THE

FREE BRITONS

SUPPLEMENTAL MEMORIAL.

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Mrs. A. R. Sope
of Cambridge.

THE FREE BRITONS SUPPLEMENTAL MEMORIAL TO THE ELECTORS OF THE MEMBERS OF THE BRITISH PARLIAMENT;

WHEREIN

THE ORIGIN OF PARLIAMENTS IN EUROPE, AND OTHER INTERESTING MATTERS ARE CONSIDERED.

By William Hallan.

Pro rege ſæpe, pro patria ſemper.
Jus & æquitas vincula civitatum.
Cupiditate pauca rectè fiunt, circumſpectione plurima.

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To the Electors of the Members of the *Britiſh* Parliament.

The ſupplemental Memorial of a Free *Briton*.

Humbly Sheweth,

THAT the rights and liberties of the *Britons*, whereon their noble ſpirit, their felicity, and their ſafety ſo far depend, are protected and ſecured by your right to chuſe the repreſentatives of the commons in parliament, with perfect freedom from the interpoſition and control of the miniſters of kings, the toleration whereof would leave to you, to your fellow-citizens, and to poſterity the bare name of liberty, accompanied with the infamous practice of paying dear for their fetters; wherefore the origin, nature, and proper uſe of this right are worthy of the moſt careful conſideration and obſervance.

That the good of mankind being the proper end of their government, that form is queſtionleſs the moſt excellent which is beſt adapted to promote and continue it; and when human ſocieties proceed in their inſtitution of government, the great object of their deſire is to ſecure, as far as poſſible, the common welfare of the members, and of their deſcendants, whoſe vigilance and vertue are requiſite for them to enjoy, and tranſmit to their poſterity, the public benefits received from the labours and ſufferings of their anceſtors.

That although princes and other rulers have not their authority for or from themſelves, and their true and laſting intereſt can not differ from that of the people; yet, through the want of public

 vertue,

vertue, or public wiſdom, having no proper ſenſe of thoſe duties which pertain to a juſt and equal government, according to the laws of God and man, they have often unhappily been miſled by their own paſſions, or the evil councils of others, to the grievous ruin, or great danger of the common-weal, inſomuch that in ſome ages a nation could ſcarce be found where, inſtead of a conſtant ſolicitude for the public welfare, ſome favorite court intrigue was not carried on, openly or ſecretly, *viis, aut vitiis, & modis*, to the prejudice of the right or intereſt of the people, and where fit miniſters for execution could not be found, who were willing to make all needful ſacrifices for the ſake of gratifying their own ambition, or their avarice.

That the great danger which attends the entire commitment of the people into the hands of any ſtanding truſtees hath occaſioned wiſe men, led by reaſon and experience, to ſay that "in every juſt "ſtate ſome part of the government is, or ought to be, imparted "to the people, as in a kingdom a voice or ſuffrage in making "laws," &c. And wiſe nations knowing that the people have the firſt and chief intereſt in all things reſting in themſelves, for the effectual preſervation of all that is dear to them, have made ſpecial proviſion for the annual or other periodical or occaſional aſſemblies of the people, or their deputies freely choſen, who partaking of the ſupreme power over the ſtate might in the moſt efficacious manner exerciſe all thoſe functions which ſhould be neceſſary to reform and eſtabliſh it on its juſt foundation, to vindicate the public right againſt the moſt daring violaters; and, as *præmio & pæna reſpublica continenda ſit*, to obtain juſtice againſt thoſe who being void of public principles ſhould proſtitute their public truſt to their own emolument, in direct repugnance to the ſacred maxim of all good government, *Salus pupuli ſuprema lex eſto.*

That

That the *Roman* and *Gothic* polity, with local cuſtoms, and various ſuppletory laws and inſtitutions taking place, in proportions at preſent uncertain, in the public regimen of the ſeveral kingdoms raiſed in *Europe* upon the declenſion of the *Romans*, and their loſs of empire, chiefly cauſed by their corruptions, and their conſequent tyranies; and all things being beſt underſtood when known from their begining, let us obſerve that the *Roman* people, while free and invincible, did not entruſt the primary care, preſervation, and execution of their rights, liberties, and authorities to any delegates, but gave their voices in their own perſons, in their proper aſſemblies, on thoſe numerous great occaſions wherein they had a right of ſuffrage; and the authority of the *Roman* people was not wholly ſuperſeded by the appointment of a dictator from the firſt introduction of that high office to the end of the common-wealth, as many modern writers ſuppoſe; for the decemvirs created in the year of the city 302, in order to their making a code of ſalutary laws, to whom the conſular and tribunitian authorities were granted, being corrupted by the exceſs of their power, and their paſſions, conſpired againſt the common-wealth, and under ſolemn oath privily agreed, among other things, to hold their offices during life, to admit no other perſon into the adminiſtration, ſeldom to make uſe of the votes either of the ſenate or people, and only when compelled by neceſſity, but to govern chiefly by their own authority; and there being no mean in miſchief, they afterwards became the moſt odious tyrants, and giving the command of the public forces to their favorites, inſtead of men of experience, valour, and vertue, the public enemies became victorious; yet their hatred of thoſe who diſapproved of their proceedings was ſuch that they reſolved to deſtroy *L. Siccius Dentatus*, a man of ſo great merit, perſonal valour, and military accompliſhments, that in the courſe of forty

years ſervice he had fought an hundred and twenty battles, and been rewarded for his bravery in them all, and who, when exempt by law from military ſervice by reaſon of his age, in ſupport of the war with the *Aequi*, had raiſed a choice band of 800 men of the like condition, who being moved by his example, and their great affection for him, entered as volunteers to ſerve under him in the war, whom the general on the day of battle devoted to deſtruction, and for that purpoſe, before the action began, ordered them to attack the enemys camp, and with inſolence refuſed, at the prayer of *Siccius*, to order a body of men proper to ſupport theſe veterans in this hazardous enterprize. During their march the *Romans* and the *Aequi* engaged, and fighting hand to hand, with equal numbers, equal arms, and equal ardour, the battle was long, ſharp and doubtful, but was at laſt determined in favour of the *Romans*, by the bravery of the veterans, and the good conduct of *Siccius* their leader, who, contrary to the expectation of their general, took the enemys camp, ſtanding on an eminence, killed or put to flight thoſe who were appointed to defend it, and then marched againſt the enemy in the plain, who being informed by the flight and outcries of their men that their camp was taken, and not long after ſeeing the enemy falling upon their rear, fought no longer with the ſame ſpirit, whence great ſlaughter enſuing they broke their ranks, and endeavouring to ſave themſelves by flight many were ſlain by the *Romans*, who continued their purſuit till night, being herein likewiſe excelled by *Siccius* and the veterans, who were the chief means of obtaining this victory: nevertheleſs, after ſo many ſignal ſervices performed for the common-wealth, *Siccius*, the moſt diſtinguiſhed of all the plebeians, was deſtroyed by the decemvirs in the following manner. To compaſs their fell deſign, they invited him to friendly converſe and conſultation with them reſpecting the

operations

operations of the war, desired him to give them his opinion by what means the errors of the generals might be corrected, and at last prevailed upon him to go to the camp at *Crustumerium* in quality of legate. This dignity was of all others the most honorable and the most sacred among the *Romans*, and to it was annexed the authority of a general, and the inviolable and holy character of a priest. The generals received him with great marks of friendship, and desired him to stay and command in conjunction with them. *Siccius* being endued with simplicity of manners was so far deluded by these wicked dissemblers, as not to see the snare prepared for him. Among other counsels he advised them to remove their camp into the enemys territories, and laid before them the inconvenience of their present situation, with the advantages of the removal proposed. The generals pretending to receive his advice with great satisfaction, proposed his taking the command of the army when they should decamp; that he should go before hand to view the ground, and chuse an advantageous post, for which he was well qualified by his former campaigns in the country, and that they would give him a century of chosen youth armed for expedition. *Siccius* having accepted the commission, and desired an hundred chosen light-armed men to attend him, they without delay sent him out while it was night, and with him the hundred men, whom they had picked out as the most daring of their faction, with order to kill him, promising them great rewards for the murder: and *Siccius* by reason of his age being on horseback, and the soldiers on foot, when they came to a mountainous place, at a great distance from the camp, where the road was narrow, and so uneven that it was difficult for a horse to go any other pace than a walk, the signal was given, and they assembled with an intent to return upon him in a body: but a servant of *Siccius*, who was his shield-bearer, and a brave man,

guessing

gueſſing at their deſign, gave his maſter notice of it. *Siccius* ſeeing himſelf confined in a narrow paſs, where he could not poſſibly drive his horſe full ſpeed, alighted, and ſtanding againſt the hill, to avoid being ſurrounded by his aſſailants, he with the ſole aſſiſtance of his ſhield-bearer determined to receive their attack. They all ruſhing upon him he preſently ſlew about fifteen of them, and wounded twice that number, and would have ſlain all the reſt if they had come to cloſe fight with him; but they, convinced that he was a man who could never be vanquiſhed by fighting hand to hand, retired farther off, and threw javelins, ſtones, and ſticks at him, and ſome aſcending the hills that ſtood on each ſide, and geting above him, rolled down large ſtones upon him, til by the number of the miſſive weapons that were thrown by thoſe before him, and the weight of the ſtones that fell upon him from above, he fell dead. Many other perſons had ſuffered various ways under the tyranny of the decemvirs; but their attrocious violation of divine and human laws in murdering by their baſe and bloody executioners this brave man, when, in faithful diſcharge of the moſt ſacred public truſt, conferred on him by themſelves, at their own requeſt, he was proſecuting the public ſervice with the nobleſt ſpirit, whoſe former merits were ſo great and conſpicuous, and whoſe only crime was the love of liberty and his country, gave great offence to all men who had a ſincere regard for honour, faith, juſtice, and the public welfare, which alone gives dignity and ſtability to human nature and human ſocieties; and loſs and diſgrace in the field being accompanied with horrid cruelties in the city, diſtreſs, diſſenſion, and confuſion overſpread the whole common-wealth, which at length was happily reſcued out of the hands of theſe infamous rulers, being deſerted by the nobler part of their own ſoldiers, who reſolved not to be the ſhameful inſtruments of riveting the chains

of

of their country; and, in order to prevent the future fall of the *Roman* people under the like grievances, the moſt efficacious meaſures that could be deviſed being taken, it was made a capital offence to create any magiſtrate without appeal to the people, and the offender ſubjected to be killed with impunity by a private citizen, as well as to ſuffer under public judgment, by the two following laws. *Ne quis ullum magiſtratum ſine provocatione crearet; qui creaſſet eum jus faſque eſſet occidi; neve ea cædes capitalis noxæ haberetur. Qui plebem ſine tribunis reliquiſſet, quique magiſtratum ſine provocatione creaſſet, tergo ac capite puniretur.* In conſequence of theſe laws when *L. Papirius Curſor*, the dictator, unmoved by the interceſſion of the ſenate and the army, determined to put *Q. Fabius*, maſter of the horſe, to death, for engaging the *Samnites* in his abſence, contrary to his orders, tho' he had obtained a complete victory, in which 20000 of the enemy were ſlain, *M. Fabius* his father appealed from the dictator to the people, as the ſupreme judges, whoſe power, he told him, was ſuperiour to that of his dictatorſhip. *Provoco ad populum, eumque tibi fugienti exercitus tui, fugienti ſenatus judicium, judicem fero, qui certè unus plus quam tua dictatura poteſt polletque.* The office of cenſor, *Plutarch* ſays, was an office of the higheſt dignity, and in a manner the chief preferment in the common-wealth. It was inſtituted in or about the year 310. The cênſors by their ancient authority could degrade ſcandalous members of the ſenatorial order, and brand with infamy thoſe citizens who deſerved it. By the *Ovinian* law, cited by *Feſtus*, they were empowered to exclude all ſenators but men of known probity from that venerable body; and the cenſors *M. Porcius Cato*, and *L. Valerius Flaccus* having expelled from the ſenate *L. Flamininus*, a conſular perſon, by reaſon of his vicious manners, he appealed to the people, who affirmed their ſentence.

That

That the ſubverſive military revolutions which took place with ſo great ſeverities when the meaſure of the *Roman* corruptions was completed, and finally gave the ſole domination to *Auguſtus*, did not even in his own ſenſe extinguiſh the right of the people; but his ardent love of the ſovereign authority, for the ſake of the honours, with all the attendant powers, made him extremely ſolicitous to graſp and ſecure it to himſelf; and being by nature more crafty than magnanimous, and, tho' his abilities were inferiour to thoſe of his chief adviſers, having the ſenſe to avail himſelf of their counſels, which prefered wiſdom to weapons of war, he conformed himſelf to the taſte of the *Romans*, and ſtudied how to rule them by their own conſent. *Agrippa* being at once a gallant ſoldier, and a noble citizen, contrary to his own intereſt, adviſed him to reſtore the common-wealth. This was remote from his purpoſe, and fiction in his diſcourſe and actions ſuiting him much better, he made a ſhew of doing it in many reſpects; and ever pretending that the people were moſt dear to him, by multiplied arts and deluſions he obtained the eſtabliſhment of that ſupreme power over them which deſcending to his ſucceſſours wrought ſo great a change, that "they "who were wont to direct mighty wars, to raiſe and depoſe great "kings, to beſtow or take away empires; they who ruled the "world, or directed its rule, were ſo ſunk and debauched, that "if they had but bread and ſhews their ambition went no higher." The gradations whereby *Auguſtus* gained this deſtructive ſupremacy may in part appear from what follows. In the year of *Rome* 724 the tribunition power was granted to him for life, with appeal from the judgments of all other magiſtrates. In the year 730, after being conſul ſix ſucceſſive years, he was exempted from obedience to the laws of the citizens. At the concluſion of his eleventh conſulſhip the ſenate appointed him perpetual proconſul.

With

With reſpect to the provinces they granted to him an authority far ſuperiour to that of all the prefects; and altho' the right of legiſlation was for a long time diſputed with him, yet at length, by cajoling the people, or otherwiſe, he obtained the famous *Lex Regia*, which from the works of *Ulpian*, a celebrated lawyer, was transfered into the *Juſtinianean* code, in the following words. *Quod principi placuit legis habet vigorem, ut pote cum lege regia quæ de imperio ejus lata eſt populus ei & in eum omne ſuum imperium & poteſtatem conferat.* " What hath pleaſed the prince hath the force of " law, in as much as by the regal law made concerning his do- " minion the people transfer to him all their empire and power." *Monteſquieu* ſuppoſes that altho' *Auguſtus* " was a ſmooth and ſubtle " tyrant, (uſing that word in the ſenſe of the *Greeks*) who led the " people gently into ſlavery; yet he became a lawful prince after " this law was enacted by the people." Great diſputes have ariſen among the learned reſpecting this *Lex Regia*, *Schookius*, *Conan*, and *Vulteïus* contend that it is fictitious, and being unable to believe that the *Roman* people would ever have deſpoiled themſelves of the ſovereign power, and ſubverted their own liberty, which had been held ſo dear in former times, they ſuppoſe that *Tribonian* deviſed this law, and made it part of the body of laws compoſed by him and others under *Juſtinian*. Without entering into the diſpute at large, it ſeems clear to your memoraliſt that this ſuppoſal hath no ſolid foundation; and conſidering the ſtate of the *Romans*, with the beguileing arts and influence of *Auguſtus*, we are not to wonder they ſhould forget that living by one mans will would, ſooner or later, become all mens miſery, when we ſee ſo many among ourſelves who forgeting that corruption is the grave of public vertue, public freedom, and public ſafety, are ready to ſacrifice to their intereſt or their paſſions thoſe rights and liberties which their an-

ceſtors purchaſed with ſo much blood and treaſure, and tranſmited to them with ſo great care and diligence; when we ſee ſo many oppulent traders in corruption go down to the country markets, and buy up at high prices the ſuffrages of the people, invited and ſeduced to make ſale of their birth-rights, in order, as they who buy will ſell, to diſpoſe of them for external honour, power, and pelf in town, the centre of boundleſs public plunder at home and abroad, where the chief buyers are thoſe men whoſe indiſpenſable duty it is to extirpate corruption, and enforce public probity, as far as poſſible; but who neglecting, as it was ſaid of the miniſters of king *Charles* I. the divine precept, " Thou ſhalt not ſeeth a kid " in its mothers milk," that is, thou ſhalt not employ for deſtruction that which was intended for preſervation, *medicinis ad necem, non ad ſalutem populi utuntur*; in ſhort when greater public profligacy, and more infamous trafic in the public right are ſeen in *Britain* than took place at *Rome* when the *lex regia* paſſed in favour of *Auguſtus*, and this execrable commerce carried on with ſuch notoriety and confidence, as if to diſgrace, endanger and ſubvert the commonwealth were laudable and glorious. The renewal of the *Lex Regia* in favour of ſucceeding princes appears probable; but this being a ſubject too difficult for preſent diſcuſſion it is deſired to be waved, after obſerving that in a convention held at *Rome* in the year of *Chriſt* 774 the *Roman* people granted to *Charles* the Great all their right and power; *populus itaque Romanus conceſſit ei, & in eum tranſtulit omne jus ſuum & poteſtatem.*

That the firſt appointment at large remaining on record of a *comitium* or parliament to be holden in any part of *Europe* which your memorialiſt hath met with in his reſearches was made by a *Briton*, in the following words.

" CONSTANTINI III. BRITANNI, IMPERATORIS AUGUSTI
" CONSTITUTIO."

" De Comitiis imperialibus annuatim in urbe Arelatenſi celebrandis."

" CONSTANTINUS IMP. AUG. VIRO INL. AGRICOLÆ GAL-
" LIARUM PRÆFECTO."

Anno Chriſti 411.

" SALUBERRIMA magnificentiæ tuæ ſuggeſtione, inter reliquas
" reipub. utilitates evidenter inſtructi, obſervanda provincialibus
" noſtris, id eſt, per ſeptem provincias, manſura in ævum aucto-
" ritate decrevimus, quod ſperari plane ab ipſis provincialibus de-
" buiſſet. Nam cum propter privatas & publicas neceſſitates, de
" ſingulis civitatibus, non ſolum de provinciis ſingulis, vel hono-
" ratos confluere, vel mitti legatos, aut poſſeſſorum utilitas, aut
" publicarum ratio exigat functionum; maxime oppertunum &
" conducibile judicamus ut ſervata poſthac quatannis ſingulis con-
" ſuetudine in conſtituto tempore in metropolitana, id eſt, in
" Arelatenſi urbe, incipiant ſeptem provinciæ habere concilium, in
" quo plane tam ſingulis quam in commune conſulimus. Primum
" ut optimorum conventu ſub illuſtri præfecturæ (ſi id tamen ratio
" publicæ diſpoſitionis obtulerit) ſaluberrima de ſingulis rebus
" poſſent eſſe conſilia: tamen quicquid tractatum fuerit & diſcuſ-
" ſum ratiociniis conſtitutum, nec latere potiores provincias poterit,
" & parem neceſſe eſt inter abſentes æquitatis formam juſtitiæque
" ſervari. Hoc plane, præter neceſſitates publicas, etiam humanæ
" converſationi non parum credimus commoditatis accedere, quod
" in Conſtantina urbe jubemus annis ſingulis eſſe concilium.
" Tanta eſt enim loci opportunitas, tanta eſt copia commerciorum,
" tanta illic frequentia commeantium, ut quicquid uſquam naſcitur
" illic commodius diſtrahatur. Neque enim ulla provincia ita pe-
" culiari fructus ſui facilitate lætatur, ut non, niſi hæc propria

" Arelatenſis ſoli, credatur eſſe fœcunditas, Quicquid enim dives
" Oriens, quicquid odoratus Arab, quicquid delicatus Aſſyrius,
" quicquid Aphrica fertilis, quicquid ſpacioſa Hiſpania, quicquid
" fertilis Gallia poteſt habere præclarum, ita illic exuberat, quaſi
" ibi naſcantur omnia quæ ubique conſtant eſſe magnifica. Jam
" vero decurſus Rhodani, & Turoni recurſus, neceſſe eſt ut vicinum
" faciant, ac pene conterminum, vel quod iſte præter fluit, vel ille
" quod circuit. Cum ergo huic ſerviat civitati quicquid habeat
" terra præcipuum, ad hanc vel navi vel vehiculo, terra, mari,
" flumine deferatur quicquid ſingulis naſcitur. Quemadmodum
" non multum ſibi Gallia præſtitum credant, cum in eadem civi-
" tate præcipiamus eſſe conventum, in quo divino quodam munere
" commoditatum & commerciorum opportunitas tanta præſtatur:
" ſiquidem hoc rationabili plane probatoque conſilio jam & vir
" inluſtris præfectus Patronius obſervari debere præceperit, quod
" interpolatum vel incuria temporum, vel deſidia tyrannorum
" ſeparari ſolita prudentiæ noſtræ autoritate decrevimus. Agricola,
" parens chariſſime atque amantiſſime, unde illuſtris magnificentia
" tua, & hanc præceptionem noſtram, & priorem ſedis ſuæ diſpo-
" ſitionem ſequuta, id per ſeptem provincias in perpetuo faciet
" cuſtodiri, ut ab Idibus Auguſtis, quibuſcunque mediis diebus in
" Idus Septembris, in Arelatenſi urbe, noverint honorati vel poſſeſ-
" ſores judices ſingularum provinciarum, annis ſingulis concilium
" eſſe ſervandum, ita ut de Novem populana & ſecunda Aquitanica,
" quæ provinciæ longius conſtitutæ ſunt, ſi eorum occupatio certa
" retinuerit, ſciant legatos juxta conſuetudinem eſſe mittendos.
" Qua proviſione plurimum & provincialibus noſtris gratiæ nos
" intelligimus utilitatiſque præſtare, & Arelatenſis urbis, cujus
" fidei, ſecundum teſtimonia atque ſuffragia parentis patritiique
" noſtri, multa debemus, non parum adjicere nos conſtat ornatui.

" Sciat

" Sciat autem magnificentia tua, quaternis auri libris judicem eſſe
" mulctandum, ternis honoratos vel curiales, qui ad conſtitutum
" locum intra definitum tempus venire diſtulerint."

" A Conſtitution of *Conſtantine* III a *Briton*, Auguſt Emperour."

" For the annual celebration of the imperial comitia in the city
" of *Arles*."

" *Conſtantine* Auguſt Emperour, to the illuſtrious *Agricola* Prefect
" of the *Gauls*."

Year of Chriſt 411. " Being, among other utilities of the common-wealth, fully
" informed by the moſt ſalutary ſuggeſtion of your magnificence,
" We have by our authority decreed what is to be obſerved by our
" provincials, that is, by the ſeven provinces, to remain perpetu-
" ally, which truly ſhould have been expected from the provincials
" themſelves; for ſeeing that by reaſon of private and public
" neceſſities either the utility of private poſſeſſors, or a due regard
" for the public functions, requireth that from the ſeveral cities,
" not only from the ſeveral provinces, there ſhould be a confluence
" of honourable perſons, or legates be ſent. We judge it to be
" moſt fit and convenient, that keeping hereafter yearly the cuſtom
" at the appointed time in the metropolitan city, that is, *Arles*,
" the ſeven provinces begin to have a council wherein to conſult
" both for private and common good. Firſt that in a convention
" of the moſt reſpectable perſons under the illuſtrious prefecture
" (if the ſtate of the public diſpoſition ſhall permit) there may be
" wholſome counſels reſpecting all affairs: but ſo as whatſoever is
" treated of and diſcuſſed ſhall be determined by reaſonings; nor
" can this be concealed from the more powerful provinces, and it
" is neceſſary that there be an equal form of equity and juſtice
" among

" among the abſent. Thereupon truly we believe that beſides
" anſwering the public neceſſities great advantage will accrue to
" human converſation by our enjoining a council to be held yearly
" in the *Conſtantine* city: for ſuch is the convenience of the place,
" ſo great the commerce, ſuch the concourſe of ſtrangers, that
" whatever is produced any where is there moſt commodiouſly
" diſperſed; for there is not any province that ſo rejoiceth in the
" peculiar felicity of its products but it may be attributed to the
" proper fecundity of the land of *Arles*; for whatever the rich Eaſt,
" whatever the ſpicy *Arab*, whatever the delicate *Aſſyrian*, what-
" ever fertile *Aphrica*, whatever ſpacious *Spain*, whatever fertile
" *Gaul* hath that is excellent, ſo aboundeth there as if all things
" which every where appear to be magnificent were there produced.
" The different courſes of the *Rhone* and the *Turone* neceſſarily
" make it near, and almoſt conterminous, the one flowing by it,
" and the other encompaſſing it. As therefore whatever the earth
" hath moſt valuable ſerveth this city, and may be conveyed to it
" from the ſeveral countries where produced, by land, ſea, or river;
" how can our *Gaul* believe that much is not done for it, when
" we have appointed a convention to be held in that city wherein
" by a certain divine gift ſo great benefit of commodities and
" commerce is afforded? Foraſmuch as by this truly rational and
" approved counſel the injunctions of that illuſtrious man the Pre-
" fect *Patronius* ought to be obſerved. What has been interpo-
" lated thro' the negligence of times, and the indolence of tyrants,
" we have, by the wonted authority of our prudence, ordered to
" be ſecluded. Wherefore, *Agricola*, our moſt dear and loving
" friend, thy illuſtrious magnificence, following both this our
" injunction and the former diſpoſition of thy government, will
" cauſe the ſame to be conſtantly obſerved by the ſeven provinces,

" when

" when the honoured among the people * or the chief poſſeſſors †,
" and the judges of the ſeveral provinces ſhall have been informed
" that a council is to be held yearly in the city of *Arles* on any of
" the intermediate days from the ides of Auguſt to the ides of
" September. With reſpect to *Novem populana* & *ſecunda Aqui-*
" *tanica* ‡, which provinces are more remote, if their certain occu-
" pation ſhall retain them, let them know that legates are to be
" ſent according to cuſtom. By which proviſion we conceive we
" confer great favour and benefit on our provincials, and it is
" manifeſt we add not a little to the ornament of our city of *Arles*,
" to whoſe fidelity, according to the teſtimonies and ſuffrages of
" our friend and patrician, we owe much. And be it known to
" your magnificence that a judge is to be fined four pounds of gold,
" the honoured or curials § three, who ſhall omit to come to the
" appointed place within the limited time."

Conſtantine was a common ſoldier in the *Roman* army ſtationed in *Britain*, where all the troops having in the year 407 revolted, they firſt choſe *Marcus*, whom ſome ſuppoſe to have been a deputy governour in the iſland, for their leader; but finding him unſuitable to their violent courſes they ſoon put him to death. Then they made choice of *Gratian*; but the capricious favour of ſoldiers, who

* *Honoratior apud plebem.* Liv.

† The *Romans* by the word *poſſeſſor* frequently intended the freeholder, or real owner of an eſtate, who became lords [*poſſeſſores domini efficiuntur.*]

‡ *Aquitain*, formerly held by the *Engliſh*, was compoſed of theſe two provinces, which by the *Romans* in the deſcription of their empire were called *Aquitanica prima & ſecunda*, the firſt being alſo named *Novempopulonia*, from the nine different people who inhabited it. It is now called *Gaſcoigne*. The ſecond *Aquitanic* province is the preſent *Guienne*.

§ Under the imperial empire the perſons capable and liable to ſerve all public offices were termed *curiales*, as the decurions had been in former times.

rule

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rule by their wills and their ſwords, being as dangerous as their fury, they diſpatched him, who in the ſpace of four months was advanced, adored, and deſtroyed: then moved by a conceit that the name of *Conſtantine* was an omen of good fortune, without any other known merit in this ſoldier, they declared him emperour; his abilities however proving far ſuperiour to his former condition, enlarging his mind with his fortune, he aſpired to an equal ſovereignty at leaſt with the emperour *Honorius*, and after ordering his military affairs with good advice he paſſed over into *Gaul* with the whole *Roman* force, much augmented by the *Britons* able and willing to bear arms, where, aſſiſted by the valour of *Gerontius* a *Briton*, and *Edobecus* a *Frank*, with the arts of perſuaſion, he prevailed over all reſiſtance, and coming to *Arles* made that the ſeat of his empire. After various conflicts with *Sarus* the general of *Honorius* he drove him out of *Gaul*, and after beating the barbarians who had entered it he leagued with them againſt *Honorius*, whoſe cozins *Verinien* and *Didymus* could not preſerve *Spain* from falling into the hands of his ſon *Conſtans*, and *Gerontius*, the former of a monk being made *Cæſar* by his father. *Honorius* being unable to avenge himſelf was ready to acknowledge *Conſtantine* emperour, when *Gerontius* cauſed one *Maximus* to aſſume that title in *Spain*, under whoſe name he hoped to enjoy the ſovereign authority. Upon this *Conſtans* making war againſt him was overcome, and ſlain. *Gerontius* then beſieged *Conſtantine* in the city of *Arles*. During the ſiege *Conſtantius Comes*, general of *Honorius*, came with forces to ſubdue both parties, and perſuading the beſiegers to deſert their general he put him to death, and after four months ſiege having forced *Conſtantine* to ſurrender at diſcretion he likewiſe put him with his only ſurviving ſon *Julian* to death, in the latter part of the ſame year wherein the preceding conſtitution was made.—

In

In this century the *Roman* ſtate was ſo far enfeebled and diſtempered by former errors, injuries, and improvidence, by the weakneſs of the preſent princes, the depravity of their miniſters, and a licentious ſoldiery, that the fall of empire was a natural effect of theſe cauſes; when the policy and public vertue which were neceſſary to unite inſpirit and direct the force of the ſtate were ſo far wanting that it became difficult at ſome times, and impoſſible at others, for the princes to defend themſelves againſt the traiterous ambition of their miniſters, and the defection of their armies, frefrequently more terrible to their prince, and to each other, than to their enemies; when the noble ſpirit, martial diſcipline, fidelity, fortitude and patience which invigorated the *Romans* who fought for their liberty and their country were ſupplanted by that perverſion of public principles which firſt introduced, and then took place under, the imperial government, it became impoſſible to defend the empire againſt the *Goths*, to call by that name all thoſe bold invaders who at different times ſwarmed out of the northern hive. A conſular army compoſed of the ſons of the commonwealth was able to make a complete conqueſt over the *Teutones* and *Cimbri*, who coming with three hundred thouſand fighting men, ſtout, couragious, and well armed, and a far greater number of women and children, the former being as brave as the men, hovered like a dark cloud over *Gaul* and *Italy:* but in theſe days the *Goths* were invited to aid the miniſters in their ambitious and treaſonable deſigns, and recourſe was had to temporary expedients, with the uſe of money, frequently more efficacious in ruining than preſerving a ſtate. *Alaric* was a moſt cruel enemy of the *Roman* empire. *Ruſinus*, tutor of the young emperour *Arcadius*, firſt excited him to come into the Eaſt, where he waſted and plundered ſeveral provinces. Afterwards, being allured by the hopes of

greater booty, he came into the Weſt, and attacking *Italy* was vanquiſhed by *Stilico*, who permited him to retreat. *Stilico* afterwards entering into a compact with him promiſed him a great ſum of money on condition of ſerving him in his deſign to dethrone *Honorius* his ſon in law, and to ſet up his ſon *Eucherius* in his place; nevertheleſs *Alaric* came and threatened to aſſault *Rome*; whereupon *Stilico* obliged *Honorius* twice to purchaſe peace with money, and the ceſſion of part of *Gaul*, which cauſed *Lampadius*, a conſular perſon, to ſay that they ſought not to make a peace in order to ſecure the liberty of the empire, but to treat for caſting it into ſervitude. *Alaric* then going with an army to take poſſeſſion of the countries granted to him, was attacked by *Stilico*, who had laid an ambuſcade for him, but he eſcaped with glory. *Stilico* for his perfidies was ſoon after this action put to death at *Ravenna*; but *Alaric* was ſo diſguſted at the deſign of taking away his life, inſtead of giving him the countries agreed on, that he carried fire and ſword
409. into all *Italy*, aſſaulted took and ſacked *Rome*, the ſacred temples only eſcaping his fury. Thus the firſt city in the world was ravaged and diſhonoured; a maiden city, which in the courſe of the numerous wars of the *Romans* had never before been deflowered by any of her enemies. A detail of the *Roman* declenſions would be tedious, and it may ſuffice to ſay that *Britain*, the moſt diſtant province, was firſt freely diſmembered by *Honorius*, by reaſon of the difficulties attending other parts of his empire: other provinces were at different times ravaged, ſeized and held by the *Goths*, and at
476. length *Odoacer*, in the reign of *Auguſtulus*, reducing *Italy* put an end to the weſtern empire, and " with it fell alſo what before in this " weſtern world was chiefly *Roman*, learning, valour, eloquence, " hiſtory, civility, and even language itſelf, all theſe together as " it were with equal pace diminiſhing and decaying;" this mighty fall

fall being chiefly cauſed by ambition and corruption, with their bitter fruits peculation, conteſt and diviſions, with military domination, begun among the Great, and from them deſcending and ſpreading thro'out the whole empire; and if modern politics be infected with theſe diſeaſes, let our politicians and their advocates ſay what they will, cauſes will produce their effects.

That ſome of the generals or kings of the *Goths* who invaded with ſucceſs the *Roman* territories, altho' they had conquered by the arms of a free people, were ſolicitous to become as abſolute in their rule over the *Goths* as well as *Romans* as the emperours had been. This will partly appear from the following edict of *Athaulphus*, brother in law of *Alaric*, who accompanied him in the ſackage of *Rome*, and ſucceeded him in the following year, wherein he pillaged *Rome* a ſecond time, and carried away *Placidia*, the daughter of *Theodoſius* the *Great*, and ſiſter of *Honorius*, whom he married at *Narbonne*.

" Athaulphi Gothi Imperatoris EDICTUM"

" *De legum Romanarum reſtauratione.*"

Anno Chriſti 412.

" Poſtquam inprimis ardentur inhiavimus, ut obliterato Romano
" nomine Romanum omne ſolum Gothorum imperium & facere-
" mus & vocaremus; eſſetque Gothia quod Romania fuiſſet,
" fieretque nunc Athaulphus quod quondam Cæſar & Auguſtus;
" at tandem multa experientia probavimus neque Gothos ullo
" modo parere Romanis legibus poſſe propter effrenatam barbariem,
" neque reipublicæ interdici leges oportere, ſine quibus reſpublica
" non eſt reſpublica. Ideo matura deliberatione apud nos eligimus
" & conſtituimus ut gloriam nobis de reſtituendo in integrum,
" augendoque Romano nomine, Gothorum viribus quæreremus,
" haberemurque apud poſteros Romanæ reſtitutionis auctor, poſt-

" quam eſſe non potuimus immutator. Ob hoc abſtinere à bello,
" ob hoc inhiare paci nitimur, præcipue religioſarum legum, quas
" vel Romani principes ſanciverunt, vel Gothorum conſuetudines
" habent, aut noſtra Serenitas de novo adinvenit, prudentiumque
" virorum ad omnia bonarum ordinationum opera perſuaſu &
" conſilio utrumque populum ſub felici pacis compoſitione tempe-
" raturi. Datum Narbonæ.

" An Edict of the emperour Athaulphus the Goth."

" For reſtoring the Roman Laws."

Year of Chriſt 412.

" Foraſmuch as we have in the firſt place ardently endeavoured
" that the *Roman* name being obliterated we might make and call
" the whole *Roman* territory the empire of the *Goths*, and that
" *Gothia* might be what *Romania* had been, and *Athaulphus* now
" become what *Cæſar* and *Auguſtus* formerly were; but have at
" length by much experience proved that neither the *Goths* can
" obey the *Roman* laws, by reaſon of their unbridled barbariſm,
" nor ought the laws of the common-wealth to be interdicted,
" without which the common-wealth is not a common-wealth.
" Therefore, upon our mature deliberation, we have choſen and
" determined to acquire to ourſelves by the power of the *Goths* the
" glory of entirely reſtoring and encreaſing the *Roman* name, and
" to be accounted by poſterity the reſtorer of the *Roman* polity,
" ſince we could not change it. For this cauſe we endeavour to
" abſtain from war, and thirſt after [the works of] peace, eſpecially
" the eſtabliſhment of the righteous laws made by the *Roman*
" princes, or received from cuſtom by the *Goths*, or which our
" Serenity hath deviſed, and purpoſe by the aid and advice of men
" qualified by their prudence for the diſpoſal of all things pertain-
" ing

" ing to good government, to temper both people under the happy " compoſition of peace. Given at Narbonne."

But the *Goths* who were free in their native country, tho' altogether illiterate, had more ſenſe and ſpirit than to become ſlaves in thoſe countries which were conquered by their valour—The ancient *Salic* Laws, with the authority of their makers, are thus entitled and deſcribed. Faramundi Primi Francorum Regis Leges Salicæ, In Comitiis quondam. Salizenſibus * per Francos & eorum proceres decretæ; & per regem poſtea, cum eiſdem Francis, & toto cætu populi confirmatæ & ſancitæ, Anno Domini CCCCXXIV.

* Qui locus hodie Saltzburg ad Salam fluvium in Franconia, olim Saletum in pago balico.

Salic Laws of Faramond the Firſt King of the Francs

Decreed formerly in the conventions at Saltzbourg by the Francs and their peers, and by the king afterwards, with thoſe Francs, and the whole aſſembly of the people confirmed and enacted in the year of our Lord 424.

Athalaric, grandſon and ſucceſſour of king Theodoric, who reigned from the year 526 to 534, having made ſeveral conſtitutions, whoſe dates we have not, entitled " Conſtitutions of *Athalaric* the *Goth*, " King of the *Romans*." By the firſt, which was made " concerning " the election of the king, his oath to be performed to the empire, " and the fidelity of the ſenate and *Roman* people to the king," and which was addreſſed to the ſenate of the city of *Rome*, he declares it was ſo diſpoſed by divine providence that his acceſſion ſhould be with the general conſent of the *Goths* and *Romans*, and that they ſhould confirm their ſincere goodwill by the ſanction of an oath. *Noveritis etiam divina providentia fuiſſe diſpoſitum ut Gothorum Romanorumque nobis generalis conſenſus accederet, & voluntatem ſuam, quam*

quam puris pectoribus offerebant, juris etiam jurandi religione firmarent. And by his ſecond conſtitution, addreſſed to the *Roman* people, he ſolemnly promiſed them that, with Gods aſſiſtance, he would obſerve juſtice and equal clemency, which felicitate the people, and that there was with him one common right reſpecting *Goths* and *Romans*; *harum portitores ſub obteſtatione divina vobis fecimus polliceri, juſtitiam nos & æquabilem clementiam, quæ populos nutrit, juvante domino, cuſtodire, & Gothis Romaniſque apud nos jus eſſe commune.* Afterwards adding theſe words. *Ecce ad conditionem clementiſſimam ſacramenti inclinando noſtrum eveximus principatum; ut nihil dubium, nihil formidoloſum populi habere poſſint, quos beatus noſter auctor enutrivit. Ecce Trajani veſtri clarum ſæculis reparamus exemplum.* " Behold " by enclining to the moſt benevolent interchange of an oath we " have raiſed our dominion, that the people whom our bleſſed " founder [*Theodoric*] hath nouriſhed may be free from all doubts " and fears. Behold we renew the example of your immortal " *Trajan.*" The character of the amiable and excellent prince here applauded, who in extent of dominion exceeded all others, and whoſe talents for government being equal to his empire, he was able to govern the greater part of the known world with more eaſe to himſelf, and with far greater ſatisfaction to his people, than modern miniſters can regulate the affairs of a ſingle county wherein they reſide, is thus drawn by the celebrated *Monteſquieu.* " *Nerva* " adopted *Trajan*, who proved the moſt accompliſhed prince in all " hiſtory; it was a happineſs to be born under his reign, which " bleſſed the empire with more proſperity, and true glory than it " had ever enjoyed before. He was an admirable ſtateſman, and " a moſt accompliſhed general; the native ſweetneſs of his diſpoſi- " tion inclined him to univerſal humanity, and his unclouded " penetration guided him through the beſt and pureſt tracks of " govern-

Rex populo, & viciſſim populus regi jurat.

" government; he was actuated by a noble ſoul, to whoſe em-
" belliſhment every vertue had contributed; his conduct was free
" from all extremes, and his admirable qualities were tempered
" with that exact proportion that the brightneſs of one was never
" loſt in the luſtre of another. To ſum up all, he was the beſt
" qualified of mankind to do honour to human nature, and to
" repreſent the Divinity on earth." *Dio* ſays, this prince was by nature averſe to all diſſimulation, deceit, and aſperity, that he loved, received, and honoured good men, but diſregarded others. *Tacitus* rejoiceth in the rare felicity of theſe times, in which it was lawful for every one to think what they would, and to expreſs what they thought, *rara temporum felicitate, ubi ſentire quæ velis, & quæ ſentias dicere licet.* *Pliny* the conſul, in his ſpeech made to the ſenate in the emperours preſence, by their command, and the authority of the common-wealth, in order to render thanks to the beſt of princes, among other things, addreſſing himſelf to *Trajan*, ſaid, " not ſo
" much for your private reputation as for the public good you put
" out an edict for publiſhing a fair-ſtated account of the particular
" expenſes both of his [*Domitians*] and your own *German* expedi-
" tion. This truly is a cuſtom fit for every ſovereign to follow,
" to keep all accounts between himſelf and his people upon a juſt
" and even balance: it is the wiſeſt thing he can do, ſo at firſt to
" undertake any enterprize, and ſo to return from the execution of
" it, as if he was certain of being ſhortly after called upon to give a
" ſtrict account of all his proceedings."

" We are indeed governed by you, and ſubject to you; but
" then it is juſt as we are ſubject to the laws; for they regulate
" our wills and our inordinate affections; and yet we love them,
" we approve them, we ever know the benefit of them, and are
" converſant with them every day we live."—" In vain ſhall a
" prince,

" prince, who relying on his grandees, and wraped up in his " nobility, overlooks the common people, pretend to guard the " head without a body, and without limbs to ſupport it; that " head ſhall ſurely totter, and tottering it ſhall infallibly tumble, " ruined and cruſhed by its own unbalanced and unweildy weight." —" Have no regard to clandeſtine reports and whiſpers, that " enſnare thoſe moſt of all who liſten to them. It is better to " confide in all than in ſome particulars: theſe may deceive, and " be deceived; but as no one ever deceived the whole, ſo the " whole never deceived any one."—" Our former cuſtom was to " pray for the perpetuity of the empire, and for the welfare of the " citizens, yea for the welfare of the princes, and for their ſakes " for the perpetuity of the empire. It is worthy of remark into " what words our prayers for the preſent government are reduced. " *If you ſhall govern the common-wealth aright, and for the benefit of* " *all*; prayers worthy ever to be reſolved on, and ever made. The " common-wealth have made to the immortal Gods ſuch prayers " as you yourſelf appointed, that they might preſerve you in peace " and ſafety, if you ſo kept others: if not, that they may turn away " their eyes from the guard of your perſon, and leave you to ſuch " prayers as were not made in public. Other princes wiſhed and " endeavoured to ſurvive the common-wealth; but to you your " ſafety is unpleaſing if it be not conjoined with that of the com- " mon-wealth. You ſuffer no prayer to be made for you, unleſs it be " alſo expedient for thoſe who pray for you, and every year appeal to " a council of the Gods, and ſolicit them to change their ſentence, " whenever you ſhall ceaſe to be what you were at your election." The conſul preſently after addreſſing himſelf to the ſenate ſaid, " Do you think, my Lords, he does not day and night ruminate on " theſe his words? I, if ſo the public good ſhould require, have

" armed

" armed againſt me even the prefect of the *prætorian* band." When this emperour appointed *Saburanus* to command the *prætorian* cohorts, which were his life-guard, and he was, according to cuſtom, prepared to be girt with a ſword, the enſign of his power; *Trajan* drew it, and delivered it to him with this memorable charge, which has been the ſubject of ſo great admiration in ſubſequent times. " Take this ſword, that if I govern well thou mayſt uſe it " for me, but if ill againſt me;" adding, *Aurelius Victor* ſays, theſe words, *quod moderatorem omnium vel errare minus fas ſit*; becauſe even errors in the moderator of all are leaſt to be permited. To all which let us add that this excellent prince was a more able conſtitutional lawyer than the moſt learned of that profeſſion within the whole empire.—*Athalaric*, to return to him, by reaſon of his youth ſucceeded to his grandfather under the tutelage of *Amalaſunta* his mother, who was daughter of *Theodoric* and *Audelfleda* ſiſter of *Clovis* king of *France*. She was a perſon of excellent underſtanding; miſtreſs of the *Greek* and *Latin* tongues; and ſo well acquainted with thoſe of all the northern nations ſettled in the *Roman* empire, that ſhe uſed no interpreter in her anſwers to any of them; and being a princeſs of great diſcretion, ſhe never embarraſſed the prince her ſon, or the people, by following the dictates of her pride, or other paſſions; but during his minority governed with admirable prudence, and then left him to govern according to his compact with his people, availing herſelf during her adminiſtration of the ability, experience, and faithful ſervice of *Caſſiodore*, a man of learning and probity, who for his known merit was firſt raiſed to the higheſt offices by *Odoacer*, and afterwards by *Theodoric*, who made him his ſecretary of ſtate, and under whom he ſuſtained all the dignities of the common-wealth, even to his being ſole conſul in the year 514. His credit was not leſs under

Athalaric or *Vitiges* his ſucceſſor; and to him it is probably in ſome meaſure owing that we find in the conſtitutions of the former various expreſſions inviting, or approving " the ſweet conſent of " the people."—*Monteſquieu* ſays, " Whoever ſhall read the admi- " rable treatiſe of *Tacitus* on the manners of the *Germans* will find " that it is from them the *Engliſh* have borrowed the idea of their " political government. This beautiful ſyſtem was invented firſt " in the woods." *Tacitus* informs us that the *Germans* " in the " choice of kings were determined by the ſplendour of their race, " in that of generals by their bravery; neither was the power of " their kings unbounded or arbitrary." Afterwards he ſays, " affairs of ſmaller moment the chiefs determine; about matters " of higher conſequence the whole nation deliberates; yet in ſuch " ſort that whatever depends upon the pleaſure and deciſion of the " people is examined and diſcuſſed by the chiefs." " If it be a " high point of wiſdom in every private man, much more is it in " a nation to know itſelf," and, inſtead of being miſled by flattery, deluſion and vain expectations, the uſual attendants on ambition and corruption, to conſider well what from the immutable nature of things tends to perpetuate or deſtroy the common-wealth. We ought to ruminate day and night on the words of *Monteſquieu*, who after acquiring ſo great knowledge of the nature of human ſocieties, of the riſe and fall of empires, with their cauſes, made this memorable declaration, to wit, " the ſtate we are ſpeaking of [the " *Engliſh*] will looſe its liberty, it will periſh, when the legiſlative " power ſhall be more corrupt than the executive."—Lord *Somers*, conſidering the antiquity, power, and decay of parliaments, obſerves that " when the *Engliſh* and *French* came from *Germany* to people " *Britain* and *Gaul*, the *German* liberty and moderate ſway were " tranſplanted with them; and ſtil the common council had the

" main

" main ſtroke in all weighty affairs." Afterwards this noble author ſays, " When the people and ſenate of *Rome* had transfered " all their right upon *Charles* the Great (or *Charlemaine*, as the " *French* call him) and *Germany* was made the ſeat of the weſtern " empire, one might think, if there could be an opportunity of " introducing a new form of policy, this was the time. Yet " *Charles*, ſo victorious, ſo auguſt, ſo great, the like in no age " before him or ſince ever known on this ſide the *Alps*, notwith- " ſtanding all that power and fortune, and the imperial crown that " adorned him, his language was ſtil the high *German*, and his " government did ſtil in the old parliamentary way go on and " proſper. Therefore we find him every year with his parliament. " *Eginhardus*, who was his ſon in law, and chancellour, ſays of " him, *Rex ſic ad publicum populi ſui conventum, qui annuatim ob* " *regni utilitatem celebrabatur, ire, ſic domum redire ſolebat.* And " *Aimoynus*, l. iv. c. 74. *Generalem conventum quotannis habuit.* " And to theſe [annual] parliaments, under God, ſo far as human " reaſon may judge, does *Hincmar* (archbiſhop of *Rheims*, and " chancellour in thoſe times) aſcribe his happy reign. *Secunda* " *diviſio, quæ totius regni ſtatus antepoſito, ſicut ſemper, omnipotentis* " *Dei judicio, quantum ad humanam rationem pertinebat, conſervari* " *videbatur, hæc eſt, conſuetudo tunc temporis erat, ut non ſæpius ſed* " *bis in anno duo placita tenerentur, unum quando ordinabatur ſtatus* " *totius regni ad anni vertentis ſpatium, quod ordinatum nullus eventus* " *rerum, niſi ſumma neceſſitas, quæ ſimiliter toti regno incumbebat,* " *mutabat, in quo placito generalitas univerſorum majorum tam cleri-* " *corum quam laicorum conveniebat, alterum cum ſenioribus tantum,* " *& præcipiis conſiliariis.* All this ſeems but a paraphraſe upon " the paſſage aforecited out of *Tacitus*, as to the form of govern- " ment. The *princes* and *ſeniors* are for the matters of leſs weight;

" the former here mentioned was the *generale placitum*, which the " *Germans* more particularly call *Die jahrlicke verſamblung*, the " yearly aſſembly; whoſe buſineſs (he tells us) was *to order the* " *ſtate of the kingdom.* He ſhews us likewiſe how binding their " ordinances were, and not to be contravened unleſs upon the " utmoſt neceſſity; not a ſuggeſted, inviſible, court neceſſity, but " *quæ toti regno incumbebat*, a *neceſſity* that lay upon the whole " kingdom. In effect the parliament *ordered*, and he *executed* their " orders; his office was the adminiſtration." Amongſt other " particulars, we find him in parliament adjuſting the matter of " ſucceſſion, as *Eginhard*, and the abbot of *Staden*, *An.* 813, inform " us, of which the monk of *Paderborn*, *An.* 813.

Unde duces ac primores ſoleniter omnes,
Atque magiſtratus, ad concilium generale
Undique collegit, natoque ſuo Ludovico
Cunctorum cum conſilio jus omne regendi
Tradidit imperii, ſucceſſoremque paterni
Impoſito deſignavit diademate regni.

" And accordingly his ſon *Lodowic* by *general conſent* of parliament " did ſucceed him; *poſt mortem patris* Aquiſgrani, *ſummo omnium* " Francorum *conſenſu, adminiſtrationem accepit*, Anony. An. 814. de " reb. geſt. Pip. Car. & Lud. The ſame author tells us that " this *Lodowic*, Lotharium *filium primogenitum conſortem imperii* " *conſtituere volens*, Aquiſgrani *in conventu, more ſolito inſtituto, cum* " *coronavit.* In like manner we have the ſon *Arnulph* choſen in " parliament to ſucceed his father. *Regino*, *An.* 900. *Proceres &* " *optimates ad* Forachem *congregati* Ludovicum *filium præfati prin-* " *cipis, quem ex legitimo matrimonio ſuſceperat, regem ſuper ſe creant, &* " *coronatum, regiiſque ornamentis indutum, in faſtigio regni ſublimant.*

" Nor

" Nor was this done out of formality, and for the greater ſtate " and ſolemnity on thoſe occaſions; for we ſometimes find them " refuſing to grant what the emperour laboured to obtain. " Amongſt other inſtances we have this laſt named *Arnulph*, " *An.* 894. attempting to get the parliament to make his ſon " *Zundelbolk* king of *Lorrain*; but they would not gratify him: " but the next year after he prevailed. Hitherto theſe appear to " be the ſame *Germans*, *ubi rex vel princeps audiuntur authoritate* " *ſuadendi magis quam jubendi poteſtate.*" His lordſhip had before obſerved that " the *principes*, *proceres*, *primores*, *duces*, *patres*, &c. " imported no more in truth, nor ſignified other manner of men " than the very ſame with *populus*. And the ſame aſſembly by " one writer barely called *populus*, or *conventus populi*, is by another " ſtiled *conventus procerum*, *conventus principum*, &c. which thoſe " terms, *ſecundum morem*, *juxta morem*, *more ſolenni*, *ut ſolebat*, more " fully demonſtrate; which ſeem to refer and lead us back to " *Tacitus*, *conſultant de majoribus omnes.*" His lordſhip afterwards, on conſidering by what means the election of the emperour came to reſt in the ſuffrages of the ſeven princes electors, ſays; " thus " by degrees inſenſibly is the common-wealth and government " changed; and that is affected by art and trick, which openly and " fairly could never have been brought to paſs." He then takes notice of ſundry things by which, " together with a general dege- " neraneſs, ſupineneſs and neglect of the public, the affairs of " ſtate became abandoned, and ſhuffled into a very few hands:" and afterwards obſerves that the ſeveral orders in the empire, by their free act in the *Golden Bull*, ſettled " and confirmed to the " electors that prerogative which no preſcription otherwiſe could " have made juſt and authentic." The *Golden Bull* was made at *Nurenbourg* on the 4th of the ides of January, by the authority of the

the emperour *Charles* IV, king of *Bohemia*, " *aſſidentibus omnibus* " *principibus electoribus, eccleſiaſticis & ſecularibus, ac aliorum princi-* " *puum, comitum, baronum, procerum, nobilium & civitatum multi-* " *tudine numeroſa.*" Lord *Somers* obſerves that " above an hundred " years before in *England* alſo the old laws and policy ran a dan- " gerous riſque from an inundation of arbitrary power, that " threatened to break down all the ancient banks and barriers: " for the *Normans* having come amongſt us, partly by conſent, " partly per force, puſt up and wanton with their new acquiſitions " and ſwing of fortune, they could not well be kept within bounds. " Now and then ſpeeches of conqueſt, and holding by the ſword, " and the like bug-titles, were bandied to and fro amongſt the " giddy courtiers, with now and then a ſally and inroad upon the " people, trampling property under foot. Theſe inſolencies and " invaſions kept the nation awake, and put them upon their guard, " to wait an opportunity whereby their ancient rights and cuſtoms " might be reduced into form, and ſolemnly recogniſed by ſuc- " ceeding kings in the *Great Charter*. Thus was the cockatrice " cruſhed in the egg, and an early ſtop put to arbitrary ſway in " *England*, and the government returned to its old center of par- " liaments again."

" *Germany* in this juncture lay moſt open and expoſed. The " emperour, *Lord of the World*, and *Head of the Nations*, ſucceſſour " to thoſe *Cæſars* that had broken down all forms and fences, ſo " that liberty and property lay waſte every where before them. " Theſe owed all their power to the ſword. The *Imperial Crown*, " the *Lex Regia*, the whole bulk and body of the *Civil Law*, were " wholly and entirely their own proper creature; and what more " might be deviſed to make a prince unlimited, uncontrolable, " great, and barbarous, and render him a *cyclops* or a *leviathan*?

" But

" But the reſult was, the cuſtoms and liberties of the *Germans* " were far more ancient and more ſacred to them than any *new* " *ſong* that the *Civilians* could teach them: therefore all this long " rattle of imperial prerogative only alarmed them, and made them " provide the better for their ſecurity. And as their danger was the " moſt threatning, and armed with ſtronger titles and pretenſions " than in other nations; ſo have they with more care ſought their " preſervation. And the *Golden Bull* with them was framed, and " had the ſame effect as *Magna Charta* with us, which they " ſtrengthen and make ſupplements to by new capitulations upon " occaſion, according as the emperours abuſe their power, or that " tricks are deviſed, by colour of the letter, to elude the honeſt " intention of that fundamental law and conſtitution. Thus we " ſee it true in reſpect of ſovereigns, as well as of ſubjects, that " *civil manners* are the cauſe of *good* and wholeſome *laws*."

" The *French* have no *Golden Bull*, nor *Magna Charta*; perad- " venture becauſe no king of theirs had thoſe pretenſions of con- " queſt as the *Normans* here; nor had that imperial title of the " ſword, and the civil laws, as the *Cæſars*, to tranſport them be- " yond the bounds of moderation and reaſon; which put them " upon other meaſures, and gave them opportunity ſtep by ſtep, " ſlily, inſenſibly, and ſurely, to effect what more openly could " never have ſucceeded." And his lordſhip, after ſeting forth briefly the proceedings dictated by the ambition, craft, and violence of *Lewis* the eleventh, with his diſtruſt of his own military ſubjects, concludes with ſaying, " Theſe yet were not remote enough from " the intereſt of their country, and had ſome ſmall ſenſe of its op- " preſſion: thereupon, for the more immediate guards of his per- " ſon, he takes into penſion four thouſand *Switzers*. And by that

" eſtabliſh-

" eſtabliſhment ſeems to have completed his deſign, and altered " the old parliamentary into a military government."

The *Gallic Polybius*, *Phil. de Comines*, who was ſecretary to *Lewis* XI, and his ſon *Charles* VIII, and to *Charles* the Bold, Duke of *Burgundy*, informs us that king *Charles* VII, father of *Lewis* XI, " was the firſt prince who, by the aſſiſtance of ſeveral grave men " who had ſerved him in the expulſion of the *Engliſh* out of " *Normandy* and *Guienne*, gained that point of laying taxes upon " the country at his pleaſure, without the conſent of the three " eſtates of the kingdom; but then the occaſions were great and " indiſpenſible, to ſecure his new conqueſts, and to diſperſe ſuch " people as were burthenſome to the kingdom: upon which the " great lords of *France* conſented to what the king did, upon " promiſe of certain penſions in lieu of what ſhould be levied upon " them. Had this king lived long, and thoſe who were then of " his council, without diſpute he would have enlarged his dominions " conſiderably; but conſidering what has already, and what is " likely to follow upon it, he has laid a great load both upon his " own, and the ſouls of his ſucceſſours, and given his kingdom a " wound which will bleed a long time; and that was by eſtabliſh- " ing a ſtanding army, in imitation of the princes of *Italy*. King " *Charles* at his death had taxes laid upon all things in his kingdom, " amounting to 1800000 francs, with which he maintained about " 1700 men at arms, to be conſtantly in pay, and in the nature of " guards to preſerve the peace, and ſecure the provinces in the " kingdom——At the death of our maſter [*Lewis* XI] " he had " raiſed 4700000 francs; of men at arms about 4 or 5000 foot for " the camp, and above 25000 ſtanding forces; ſo that 'tis no " wonder if he entertained ſuch jealouſies and fears of his ſubjects, " and fancied he was not beloved by them."

This

This king, who could not bear the check of the three eſtates, and who prefered the fear of his people to their love, and his lordly domination to his paternal care and kindneſs to them, and their chearful obedience, became ſo jealous of them, and ſo fearful and unhappy in himſelf, and in conſequence ſo ſevere, that *Comines* ſays, "The king had ordered ſeveral cruel priſons to be made, "ſome of iron, and ſome of wood, but covered with iron plates "both within and without, with terrible cages about eight feet "wide, and ſeven high: the firſt contriver of them was the biſhop "of *Verdun*, who was the firſt that hanſeled them, being imme-"diately put in one of them, where he continued fourteen years. "Many bitter curſes he has had ſince for his invention, and ſome "from me, having lain in one of them eight months together, in "the minority of our preſent king. He alſo ordered heavy and "terrible fetters to be made in *Germany*, and particularly a certain "ring for the feet, which was extreme hard to be opened, and like "an iron collar, with a thick weighty chain, and a great globe of "iron at the end of it, moſt unreaſonably heavy; which engines "were called the *Kings nets*. However I have ſeen many eminent "and deſerving perſons in theſe priſons, with theſe nets about "their legs, who have afterwards been advanced to places of truſt "and honour, and received great rewards from the king...Towards "the latter end of his days [he] cauſed his caſtle of *Pleſſis-les-Tours* "to be encompaſſed with great bars of iron in the form of a "grate, and at the four corners of the houſe four watch towers of "iron, ſtrong, maſſy, and thick, to be built. The grates were "without the wall on the other ſide of the ditch, and went to the "bottom. Several ſpikes of iron were faſtened into the wall, ſet "as thick by each other as was poſſible: he placed likewiſe ten "bow-men in the ditches, to ſhoot at any man that durſt approach

" the caſtle til the opening of the gate; and ordered they ſhould " lie in the ditches, but retire to the watch towers upon occaſion." Here we have a graphical deſcription of the miſeries attendant on the change of a free for a military arbitary government.

That the right of *Britons* to elect freely their repreſentatives in parliament, in order to enjoy and perpetuate all the benefits of public ſociety, being a point of the utmoſt importance, it was thought fit, for illuſtration, *petere fontes*, without having recourſe to an hiſtorical ſeries of ſubſequent tranſactions; and to ſhew by what means other free and powerful nations fell into ſervitude, in order that by the avoidance of their errors, and the obſervance of better counſels, we may prevent the like fall of our own. It is evident that without the plenary enjoyment of this right the common-wealth is no more, and that without a free and incorrupt exerciſe of it by the electors, with a ſubſequent faithful diſcharge of the ſacred truſt repoſed in the perſons choſen by them for the public good, not for their own intereſt, the common-wealth cannot endure. Theſe three things are vital parts of our conſtitution; and when through prevalent public depravity they are blaſted, we may amuſe ourſelves with idle diſcourſes, and ſpecious pretenſions about it; but we ſhall certainly find that the beſt things become the worſt by corruption, for political as well as natural cauſes, whether attended to in ſeaſon or not, will produce their effects.

That prime miniſters are for the more part peſts to the king and kingdom, eſpecially when through the want of univerſal knowledge, experience or public vertue they are unequal to the office they have ſought; when they miſlead the prince, obey his unlawful commands, eſpouſe the errors of the court, or become the tools of a more powerful favorite; when they underſtand not the rights and intereſts of the nation, or dare to ſacrifice them to their own ambition,

bition, or that of their ſupporters; when they practice every device for rendring all orders of the ſtate ſubſervient to their purpoſe, and add corruption to corruption; thus making the common-wealth pay dear for its own undoing. Other countries have ſuffered under the hands of this ſort of men. *Comines* ſays, " if any miniſter of " ſtate be grown ſo great as to become terrible to the reſt, and to " manage the whole affairs of a kingdom according to his will and " pleaſure (of which ſort king *Charles* VIII was never without " one) that favourite is king in reality, and his maſter ill ſerved, " as he always was by his miniſters, who did their own buſineſs " well enough, but neglected his, to his great prejudice and " diſhonour."

Prerogative in the hand of the king is a ſcepter of gold, in the hand of a ſubject it is a rod of iron. Prime miniſters have in this kingdom, as yet, no conſtitutional exiſtence, and the conſtitution being againſt them, ſome of them ſeem to think that, like other beligerant powers, they have a right to make war againſt it by ſtratagem and force, to corrupt its life guards, and to aſſault it with their ſeconds, when defenceleſs, ſword in hand: but *Britannias* beauty and excellence having been celebrated by her noble admires in all nations, a numerous part of her domeſtic foes moved by ſome remaining ſenſe of public ſhame, and their fierce deſire to partake of the benefits of continued corruption, ſeem fully perſuaded that inſtead of deſtroying her like *Siccius* by an immediate violent death it would be better to let her languiſh and ſuffer under a ſlow repeated poiſon; happy, and glorious in all ages, will be the men who ſhall reſcue her from both theſe dangers.

That the learned and judicious chancellour *Forteſcue* cites with approbation the ſaying of *Thomas Aquinas*, " when a kyng rulith " his realme only to his own profyt, and not to the good of his

" ſubgetts, he ys a tyraunte;" having before obſerved that the oppreſſion of the *French* king, tho' it be coloured *per jus regale*, yet it is tyranny; and his lordſhip afterwards cites another ſaying of *Aquinas*, *rex datur propter regnum, & non regnum propter regem*, adding, " wherefore all that he dothe owith to be referryd to his " kyngdome:" and it cannot with reaſon be expected that miniſterial leviathans, who are ſo far inferiour in goodneſs to their ſovereign, and ſo far different in their relations and affections to his people, and who with eager ſolicitude graſp and hold the rod of iron, ſhould change its nature, and convert it into a ſcepter of gold. *Solomon* ſays, *Take away the wicked from before the king, and his throne ſhall be eſtabliſhed in righteouſneſs.* This is peculiarly requiſite in kingdoms founded upon honour and vertue; but dominant miniſters, to ſerve their ambitious deſigns, will accept, or ſeek out, ſupporters and aſſiſtants deficient in both, and from theſe aſſociates, the votaries of pride, power and avarice, we are never to expect their preference and proſecution of the public good, and that ſuch men ſhould refer all they do to the welfare of the kingdom; intoxicated by their domination theſe temporary rulers reſpect only the preſent, without conſidering paſt proceedings, or future conſequences; whereas " wiſe men have long obſerved, " that whoſo will know what ſhall be muſt conſider what is paſt; " for all worldly things hold the ſame courſe they had at firſt," and the foreſight ariſing from general conſideration of what may happen to the prejudice of the prince or people in point of profit or reputation is a part of great wiſdom. That " all crafty and " hazarding counſels do ſeem in the begining likely to ſucceed; " but afterwards, and chiefly in the end, do prove hard, and of " evil event," was the memorable obſervation of a man of great learning, knowledge, and experience in human affairs; yet theſe politicians,

politicians, when preſſed by the difficulties ariſing from the multiplicity of their erroneous and violent proceedings, ſcruple not to deviſe, or to eſpouſe and practice any crafty counſels, flattering them with preſent relief, at the hazard of the proſperity of the king and kingdom. The ſame judicious author obſerves that miniſters of ſtate "ought to be of honeſt condition, and of good fame; for "*that common-weal is better and more ſecure where the prince is not* "*good, than is that where his miniſters are evil.*" Such miniſters can never ſecure the peoples confidence, neceſſary to the welfare of the king and kingdom; that is "chiefly attained unto by being "loved and honoured; for theſe things do work ſo many good "effects, as daily experience ſufficeth without any expreſs example "to prove them of great force." And the diſpoſition of men being "various, "it behoveth the prince to accommodate his govern-"ment to the humour of the people whom he governeth. *Prin-*"*cipis eſt virtus maxima noſſe ſuos.*"

That parliaments being inſtituted to check the errors of princes and miniſters, to preſerve the conſtitution in its purity and excellence, to prevent the violation of public rights, and the waſte of public treaſure, to reform the other abuſes of adminiſtration, with all the evils of the common-wealth, and, when neceſſary, to bring ſtate offenders to public juſtice; for if they were to be indemnified, "there muſt be a diſſolution of all kingdoms and governments," the chief deſire of the more part of modern prime-miniſters is, in direct repugnance to this noble inſtitution, to obtain an undue influence in parliament, or, in other words, to manage you and your delegates according to their wiſhes. For this end they are ready to employ titles, places, penſions, monies, to invert rewards and puniſhments, and to practiſe every other mean that can be deviſed by themſelves or their adherents.

That

That in the parliament 12th *James* I. Sir *Francis Bacon*, the kings attorney, made a ſpeech in the houſe of commons. " when " the houſe was in great heat, and much troubled about the *Un-* " *dertakers*; which were thought to be ſome able and forward " gentlemen, who to ingratiate themſelves with the king, were " ſaid to have undertaken that the kings buſineſs ſhould paſs in " that houſe as his majeſty could wiſh;" wherein, among other things, he ſaid. " That private men ſhould undertake for the " commons of England! why, a man might as well undertake for " the four elements. It is a thing ſo giddy and ſo vaſt as cannot " enter into the brain of a ſober man; and eſpecially in a new " parliament, when it was impoſſile to know who ſhould be of " the parliament; and when all men that know never ſo little the " conſtitution of this houſe, do know it to be ſo open to reaſon, " as men do not know when they enter into theſe doors what mind " themſelves will be of, until they hear things argued and de- " bated." Afterwards ſaying " what a miſery is this, that we " ſhould come together to fool one another, inſtead of procuring " the public good!—Then for the king, nothing can be more " oppoſite, *ex diametro*, to his ends and hopes than this: for you " have heard him profeſs like a king, and like a gracious king, " that he doth not ſo much reſpect his preſent ſupply, as this " demonſtration that the peoples hearts are more knit to him than " before. Now then if the iſſue ſhall be this, that whatſoever " ſhall be done for him ſhall be thought to be done but by a " number of perſons that ſhall be laboured and packed, this will " rather be a ſign of diffidence and alienation, than of a natural " benevolence and affection in his people at home; and rather " matter of diſreputation than of honour abroad; ſo that, to ſpeak " plainly to you, the king were better call for a new pair of cards,

" than

" than play upon theſe if they be packed. And then for the people,
" it is my manner ever to look as well beyond a parliament as upon
" a parliament; and if they abroad ſhall think themſelves betrayed
" by thoſe that are their deputies and attornies here, it is true we
" may bind them, and conclude them, but it will be with ſuch
" murmur and inſatisfaction as I would be loth to ſee."

Mr. *Locke*, in his eſſay concerning the true original extent and end of civil government, writes thus, " When by the arbitrary " power of the prince the electors or ways of election are altered " without the conſent, and contrary to the common intereſt of the " people, there alſo the legiſlative is altered: for if others than " thoſe whom the ſociety hath authoriſed thereunto do chuſe, or " in another way than what the ſociety hath preſcribed, thoſe " choſen are not the legiſlative appointed by the people." And afterwards, ſpeaking of the ſupreme executor, ſays, " He acts alſo " contrary to his truſt when he either employs the force, treaſure, " and offices of the ſociety to corrupt the repreſentatives, and gain " them to his purpoſes, or openly pre-engages the electors, and " preſcribes to their choice ſuch whom he has by ſollicitations, " threats, promiſes, or otherwiſe won to his deſigns, and employs " them to bring in ſuch who have promiſed before hand what to " vote, and what to enact. Thus to regulate candidates and " electors, and new model the ways of election, what is it but to " cut up the government by the roots, and poiſon the very foun- " tain of public ſecurity? For the people having reſerved to them- " ſelves the choice of their repreſentatives as the fence to their " properties, could do it for no other end but that they might " always be freely choſen, and ſo choſen freely act and adviſe, as " the neceſſity of the common-weath, and the public good ſhould, " upon examination, and mature debate, be judged to require."

" This

" This thoſe who give their votes before they hear the debate,
" and have weighed the reaſon on all ſides, are not capable of
" doing. To prepare ſuch an aſſembly as this, and endeavour to
" ſet up the abettors of his own will for the true repreſentatives of
" the people, and the law-makers of the ſociety, is certainly as
" great a breach of truſt, and as perfect a declaration of a deſign
" to ſubvert the government as is poſſible to be met with. To
" which if one ſhall add rewards and puniſhments viſibly employed
" to the ſame end, and all the arts of perverted law made uſe of
" to take off and deſtroy all that ſtand in the way of ſuch a deſign,
" and will not comply and conſent to betray the liberties of their
" country, 'twill be paſt doubt what is doing. What power they
" ought to have in the ſociety who thus employ it contrary to the
" truſt went along with it in its firſt inſtitution is eaſy to deter-
" mine, and one cannot but ſee that he who has once attempted
" any ſuch thing as this cannot any longer be truſted."—How far the matters contained in lord *Bacons* ſpeech, and Mr. *Lockes* eſſay, are applicable to our miniſters, to you, your deputies and attornies, is ſubmited to your ſerious reflection, after obſerving that the art of political undertaking has been ſo wonderfully improved of late, that, according to a declaration made in a reſpectable aſſembly of electors by a worthy member of parliament, " one of his majeſtys
" miniſters was hardy enough in public to declare, that any perſon
" who ſhould oppoſe Mr. *Wilkes* (provided he had but five voices)
" ſhould be the ſiting member." This ſingle expreſſion ſuppoſes ſuch baleful influence as ought never to have the leaſt exiſtence, and contains ſuch an open, inſolent, miniſterial triumph over the right of the freeholders of the firſt county in the kingdom as peradventure was never before announced by any miniſter in any free ſtate upon earth. It is matter of deep concern to every faithful

Engliſhman

Engliſhman to find how far the deputies of the people have in modern times neglected, oppoſed, violated, or endangered their rights. *Comines*, ſpeaking of the *Engliſh* parliament, in the reign of *Edward* IV, ſays, " which is in the nature of our *Three Eſtates*, " and conſiſting for the moſt part of ſober and pious men is very " ſerviceable, and a great ſtrengthening to the king." But, without going farther back among the moderns, in the reign of king *James* II, " the courtiers were projecting many laws to ruin all " who oppoſed their deſigns." The moſt important of theſe was an act declaring treaſons during that reign, by which words were to be made treaſon. Serjeant *Maynard* in a very grave ſpeech ſet forth the dangerous nature of this bill, and the neceſſity of keeping to the law of the 25th *Edward* III; " by which an overt act was " made the neceſſary proof of ill intentions," whereby he checked for ſome time this proceeding: " but if the duke of *Monmouths* " landing had not brought the ſeſſion to an early concluſion, that, " and every thing elſe which the officious courtiers were projecting, " would have certainly paſſed." And ſince that courtiers have been very officious in their deſigns to extend the laws touching treaſon, thereby manifeſting greater ſeverity of diſpoſition than learning or policy. *Tiberius*, before he became an open cruel tyrant, according to *Suetonius*, " unmoved by reproaches, evil re- " ports, and lampoons, would thereupon ſay, that *in a free city the* " *mind and tongue ought to be free.*"

In the former part of the reign of queen *Anne* the proceedings of the houſe of commons touching the *Aileſbury* election were ſo injurious as to diſgrace the *Engliſh* annals. " In *Aileſbury* the " return was made by four conſtables, and it was believed that " they made a bargain with ſome of the candidates, and then " managed the matter ſo as to be ſure that the majority ſhould be for

" the perſon to whom they had engaged themſelves; they canvaſſed " about the town to know how the voters were ſet, and they re- " ſolved to find ſome pretence for diſabling thoſe who were engaged " to vote for other perſons than their friends, that they might be " ſure to have the majority in their own hands. And when this " matter came to be examined by the houſe of commons they gave " the election always for him who was reckoned of the party of the " majority, in a manner ſo barefaced, that they were ſcarce out of " countenance when they were charged for injuſtices in judging " elections." The conſtables of *Aileſbury* had refuſed the votes of ſundry rightful electors; whereupon one of them brought his action at common law againſt them, and whether this injury was a ſufficient cauſe of action was much queſtioned. Lord chief juſtice *Holt* was clear in opinion the action lay; but the other judges differing, judgment was given in favour of the conſtables; whereupon the matter was brought before the lords by a writ of error, and the caſe being fully argued at the bar, and the judges delivering their opinions, with their reaſons at large, after a long debate judgment was given by a great majority in favour of the plantiff. This greatly offending the houſe of commons, they paſſed very high votes againſt him, as guilty of a breach of their privileges, and againſt all others who ſhould for the future bring any ſuch ſuits into courts of law; and likewiſe againſt all counſel, attornies and others who ſhould aſſiſt in any ſuch ſuits. " The lords on their part ordered the whole " ſtate of the caſe to be drawn up and printed, which was done " with much learning and judgment; they alſo aſſerted the right " that all the people of *England* had to ſeek for juſtice in courts " of law upon all ſuch occaſions; and that the houſe of commons " by their votes ſtruck at the liberties of the people, at the law " of *England*, and at the judicature of the houſe of lords; and

" they

" they ordered the lord keeper to ſend a copy of the caſe, and of " their votes to all the ſherifs of *England*, to be communicated " to all the boroughs in their counties. The houſe of commons " was much provoked with this, but they could not hinder it; " the thing was popular, and the lords got great credit by the " judgment they gave;" which being executed five other inhabitants brought their actions againſt the conſtables. " The houſe " of commons looked on this as a great contempt of their votes, " and they voted this a breach of privilege, to which they added " a new, and til then unheard-of crime, that it was contrary to " the declaration that they had made;" and thereupon commited the men to *Newgate*. " When the term came a motion was made " in the Queens Bench upon the common law, in behalf of the " priſoners for a *Habeas Corpus:* the lawyers who moved it pro- " duced the commitment, in which their offenſe was ſet forth, " that they had claimed the benefit of the law in oppoſition to a " vote of the houſe of commons to the contrary: they ſaid the " ſubjects were governed by the laws, which they might, and were " bound to know, and not by the votes of a houſe of parliament, " which they were neither bound to know, nor to obey. Three " of the judges were of opinion that the court could take no cog- " nizance of that matter; the chief juſtice was of another mind... " and thought that the priſoners had been guilty of no legal " offence, and therefore ought to be diſcharged." He was but one againſt three, ſo the priſoners were remanded, who thereupon moved for a writ of error to bring the matter before the lords, which was only to be come at by petitioning the queen to order it. This alarming the commons, they addreſſed the queen, ſeting forth, " that they had paſſed all the money-bills, therefore hoped " her majeſty would not grant this. Ten judges agreed that in

" civil matters a petition for a writ of error was a petition of right,
" and not of grace, two only were of another mind; it was there-
" fore thought a very ſtrange thing, which might have moſt per-
" nicious conſequences, for the houſe of commons to deſire the
" queen not to grant a petition of right, which was plainly a breach
" of law, and of her coronation oath;" they alſo took on them to affirm that the writ did not lie, which was unqueſtionably the right of the lords. " The ſupplying the public occaſions was a ſtrange
" conſideration to be offered the queen, as an argument to per-
" ſuade her to act againſt law; as if they had pretended that they
" had bribed her to infringe the law, and to deny juſtice: *money*
" *given for public ſervice was given to the country, and to them-*
" *ſelves, as properly as to the queen,*" who in anſwer to their addreſs ſaid that ſtoping proceedings at law was a matter of ſuch conſequence that ſhe muſt conſider well of it. The commons, tranſported with high notions about their privileges, " ordered the
" priſoners to be taken out of *Newgate*, and to be kept by their
" ſerjeant; they alſo ordered the lawyers and ſolicitors to be taken
" into cuſtody, for appearing in behalf of the priſoners. Theſe
" were ſuch ſtrange and unheard-of proceedings, that by them the
" minds of all people were much alienated from the houſe of
" commons...The priſoners petitioned the lords for relief, who
" firſt came to ſome general reſolutions:" " That neither houſe
" of parliament could aſſume or create any new privilege, they had
" not been formerly poſſeſſed of: That ſubjects claiming their
" rights in a courſe of law againſt thoſe who had no privilege could
" not be a breach of privilege of either houſe: That impriſoning
" the men of *Aileſbury* for acting contrary to a declaration made
" by the houſe of commons was againſt law: That the commiting
" their friends and their counſel for aſſiſting them in order to their
" procuring

" procuring their liberty in a legal way was contrary to law; and " that the writ of error could not be denied without breaking the " *Magna Charta*, and the laws of *England*." In ſeveral ſubſequent conferences theſe reſolutions were conſidered, with the commons anſwer, who " ſet forth that the right of determining elections " was lodged only with them;...they only were the judges of their " own privileges"...that " their priſoners ought only to apply " themſelves to them for their liberty; and that no motion had " ever been made for a writ of error in ſuch a caſe." The matter was fully debated, and the city and body of the nation took part with the lords, who laid before the queen a full repreſentation of the whole affair, drawn up with great decency, but reflecting heavily on the commons, earneſtly praying her to give order for the writ of error; to which ſhe gave a favourable anſwer, and ſoon after concluded the ſeſſion; " *and with it this parliament came to an* " *end: it was no ſmall bleſſing to the queen and to the nation that they* " *got well out of ſuch hands.*"

That the practice and patronage of corruption, with its operations, in later times, are too notorious to require a repreſentation at large, and the enſuing miſchiefs too numerous and grievous to admit of it; but, in faithfulneſs to his country, your memoraliſt deſires leave to declare that, on mature conſideration, it appears to him the corruptions which attended the two laſt general elections, conſidered in their nature and conſequences, were pregnant with greater danger to the common-wealth than forty thouſand hoſtile foes landed on the coaſts of *Kent* and *Suſſex* would have been.

That on conteſted elections the firſt queſtion, your memoraliſt conceives, is, whether the ſeveral electors were qualified by law to chooſe. 2, whether the candidates were qualified by law to be choſen. 3, which of them had the majority of lawful votes. 4, whether

4, whether the election was conducted in due order of law, without bribery, fraud, and violence. Lord *Clarendon* says that " our " conſtitution is one of the plaineſt things in the world, and ſuch " as every body muſt needs ſee and feel, if we would make but " an honeſt uſe of our underſtanding." Sir *Walter Ralegh*, from whom ſeveral paſſages have been already cited, obſerves that " where the multitude is diſcontented there muſt needs be many " enemies to the preſent *ſtate:* for which cauſe tyrants (which " allow the people no manner of dealing in *ſtate* matters) are " forced to bereave them of their wits and weapons, and all other " means whereby they may reſiſt or amend themſelves." And our miniſters, with their advocates, treat us as if they had by their manifold deluſive efforts bereft us ſo far of our underſtanding that we are become incapable to ſee or feel the plaineſt things in the world; for the amount of their arguments, ſtript of their colourings, is to prove that the laws made in ſupport of the right of the people are not to govern, but to be governed by the ſuperiour wiſdom of our miniſters; that the ancient principles of election eſtabliſhed by the laws of the land are reverſible by the votes of the houſe of commons; that one part of the legiſlature can without the concurrence of the two other parts abrogate the laws made by the united authority of the whole; that deputies can reſcind the rights of their principals; that the numerous laws enacted to create new diſabilities were unneceſſary, for it may well be done without them; that altho' no parliament can be held unleſs the commons of the realm be there aſſembled, the freeholders of a county may well be underſtood to appear there by their proper attorney, tho' he was not choſen by them, and the chief part of the electors gave their votes for another perſon qualified by law for that ſervice, and this new ſort of attorney was choſen by our miniſters to go out of the

the houſe of commons in order to return into it in this capacity, with the aid of a ſmall number of the electors, in manifeſt repugnance to common ſenſe, and the common right of the kingdom.

It is evident that an able and faithful ſtate lawyer ſhould underſtand the laws of nature and nations, the conſtitution, laws and rights of his own country, with all needful hiſtory and antiquity, and have a conſtant regard for the honour and ſpirit of laws, and the rights of mankind. Too great reſpect cannot be paid to the honourable part of this profeſſion; but they who proſtitute the honour of it, become the tools of miniſters, and employ their talents for explaining away, if poſſible, the rights of a kingdom, are the proper objects of indignation.

That all buſineſſes being what thoſe who manage them make them, our preſent maladies and dangers originated chiefly in the errors and miſconduct of miniſters, who from defect of ability or fidelity, or both, were unequal to the wants of the kingdom: a great genious, infinite knowledge and infinite care are requiſite to form a prime miniſter; but youth and diſſipation, with the trainings of the turf and the gaming-table, will now ſuffice to make a man maſter of the moſt difficult trade in the world without learning it. He ſhould well underſtand the ſtate of the whole empire, conſidered in all its parts and relations, foreign as well as domeſtic, ſo that he may deal with other nations on the foot of their intereſts or deſigns; promote the trade, navigation, manufactures, and other interiour intereſts of his country; preſerve good order by good example, and prudent adminiſtration; foreſee future dangers, and prevent future wars by making the beſt preparations for defence by money and arms in time of peace, with that cordial union which makes a free people invincible; protect the public rights; advance

public

public merit; puniſh public plunder; and ſpare the public treaſure; and not, like another *Cataline*, be *alieni appetens, ſui profuſus*.

That the want of money being perilous in all ſtates, our enormous public debt is alarming to every conſiderate man, and our dangers ariſing from public want and private abundance are daily encreaſing; inſtead of providing for our own ſtrength and ſafety, and the welfare of poſterity, we have by anticipation wantonly laviſhed away the fruits of their labours as well as our own. Our miniſters ſeem regardleſs of the advice given by *Mæcenas* to *Auguſtus*, *Magnæ opes non tam multa capiendo quam haud perdendo quæruntur*. "Great riches are acquired rather by frugal expenſes "than by plentiful receipts." "The Gods only know," ſays *Tully*, "the plenteous fruits of œconomy;" and *Monteſquieu* thus concludes his character of *Charlemain*, "He was wonderfully exact "in his expenſes, adminiſtring his domain with prudence, attention, and œconomy: a father might learn from his laws "how to govern his family, and we find in his capitularies the "pure and ſacred ſource whence he derived his riches. I ſhall "only add one word more: he gave orders that the eggs of the "bartons of his domains, and the ſuperfluous herbs of his "gardens ſhould be ſold; a moſt wonderful œconomy in a prince "who had diſtributed among his people all the riches of the *Lombards*, and the immenſe treaſures of thoſe *Huns* who had plundered the univerſe."

Public profuſion is to be judged of in groſs, or by detail; when thro' corruption it abounds, and all the arts neceſſary to conceal, obſcure, and perplex are ſo far practiſed that honeſt men cannot know the particulars, they certainly have a right to judge in the groſs; and the public treaſure being applicable only to the public ſervice, when the miſapplication or imbezzelment of it, appears as clear as the

the nature of the caſe and the times will admit, they have a right to pronounce their cenſures upon the delinquents, their accomplices, ſupporters, aiders and abettors, without reſerve or diſtinction, and ample reaſon to expect public juſtice from the perſons whoſe duty it is to enforce it. The notoriety of the chief accomptants being enriched beyond all meaſure by his poſſeſſion of the public money has long ſhewn the neceſſity of it. One of the cauſes of impeaching lord *Clarendon* was, " That he had in ſhort time " gained to himſelf a far greater eſtate than could be imagined to " be lawfully gained in ſo ſhort a time." Happy it would be for this kingdom if ſome others were as free from this charge as this noble lord. Of the wiſeſt *Jacobite* who was at the head of the oppoſition to the revolution, and the government of that great prince who was placed upon the throne by it, from the begining to the end of his reign, it is ſaid by a cotemporary judicious hiſtorian, " at his death he appeared much richer than by any viſible " computation he could be valued at, which made ſome caſt an " imputation on his memory, as if he had received great ſums " even from *France*."

In former times, when the kingdom bore far leſs than the preſent burthens, great care was taken by miniſters to prevent peculation, and moreover to ſatisfy the people that their money was not miſapplied. Biſhop *Burnet*, in his relation of the proceedings in the year 1690, ſays, " The adminiſtration was ſo juſt and gentle " that there were no grievances to inflame the houſe, by which " the moſt promiſing beginings of ſome ſeſſions, in former reigns, " had often miſcarried. Some indeed began to complain of a " miſmanagement of the public money; but the miniſtry put a " ſtop to that, by moving for a bill [afterwards enacted] empower- " ing ſuch as the parliament ſhould name to examine into all

" accounts, with all particulars relating to them, giving them " authority to bring all perſons that they ſhould have occaſion for " before them, and to tender them an oath to diſcover their know- " ledge of ſuch things as they ſhould aſk of them. This was like " the power of a court of inquiſition; and how unuſual ſoever ſuch " a commmiſſion was, yet it ſeemed neceſſary to grant it, for the " bearing down and ſilencing all ſcandalous reports." And queen *Anne*, in the begining of her reign, paſſed a bill for receiving and examining the public accounts, and in her ſpeech expreſſed a particular approbation of that bill." The whole world ſubſiſts by labour, and when notoriety ſupplies the place of particular proof of abundant profuſion, we are not to expect that the laborious and induſtrious part of the kingdom, who form the chief ſtrength of it, will long ſuffer in quiet under any impoveriſhment cauſed without the neceſſities of the public ſervice: Public hate and contempt are far more dangerous things than miniſters would have us believe: to avoid them, " in all impoſitions or taxations no cruelty " or force ought to be uſed, the ſecond cauſe to kindle hate; " and to meet with that miſchief nothing is better than to proceed " moderately, and without extremity;" with frugality and fair accounts.

In the reign of our gracious ſovereign money hath been ſo far wanting, for real or imaginary ſervice, and miniſters have ſo far renounced the principles of commerce and prudence, that, in the exceſs of their errors, taxes have been impoſed on *Britiſh* manufactures imported into the colonies, thereby favouring other manufactures in manifeſt diſtreſs of your own. The trade of the kingdom with her colonies is her only ſecure exteriour trade: on that trade with its navigation, including the fiſheries, its naval power doth ſo far depend, that your memorialiſt conceives it cannot be

ſupported

ſupported without it againſt thoſe powerful competitors whoſe chief delight would be to ruin it. This was the ſenſe of former able miniſters; but the preſent ſurpaſſing all their predeceſſors, have by their wanton unbridled power, and the extravagance of their errors, given a deep wound to this commerce and navigation, and to that union which is neceſſary to the welfare of the whole empire. They have deviſed and proſecuted thoſe meaſures which directly tended to take out of the pockets of the *American* traders their little money neceſſary to pay in part the *Britiſh* merchants, and to carry on that immenſe beneficial trade with their mother country which happily ſubſiſted before their injurious embarraſments, reſtrictions and regulations were formed, and ſubjected to military execution, with the moſt ſtrange and grievous civil adjudication. The illuſtrious father *Paul*, in his advice given to the republic of *Venice*, in order to perpetuate their dominion, ſpeaking of the ſubjects living on the other ſide of the *Adriatic*, ſaid, " the republic has nothing " elſe to do but to ſhew the juſtneſs and mildneſs of their govern- " ment by a careful choice of good governours to be ſent them; " for if thoſe people have juſtice faithfully adminiſtered to them, " and live in plenty, they will never entertain thoughts of any " change of government." But different principles and practiſes have naturally produced different effects; however it is to be hoped that under a wiſe and juſt adminiſtration all parties will return to their former mutual good will, and augment their ſolicitude to eſtabliſh and preſerve that cloſe and ſolid union which is ſo neceſſary to their common good, and their defence againſt their common enemies, remembring the judicious obſervation of *Philip de Comines*, " when people whoſe intereſt binds them together divide and for- " ſake one another, it is a certain ſign of deſtruction, not only " for towns, and little ſtates, but for princes and great potentates."

Concordia res pervæ creſcant, diſcordia maxùmæ dilabuntur; and it is firmly believed that thoſe miniſters who by their ſeverities have reduced *Britiſh America* from a ſtate of quiet and comfort, with chearful and profitable obedience, to a ſtate of diſtreſs, murmur and inſatisfaction, have wholly diſabled themſelves to eſtabliſh concord between the colonies and them. The pride or other paſſions of theſe men ſeem to have enfeebled their minds ſo far as to render them unable to raiſe and retain the noble idea that liberty, juſtice, and equity, which is equality, ſhould pervade the whole empire. Their partialities and mean politics frequently put your memorialiſt in mind of the *Ptolemaiſts*, whoſe cycles and epicycles were founded only in their own invention, and who were inſenſible of the beauties of the true ſolar ſyſtem, which gives light, heat and comfort in a manner worthy of the All wiſe Deity. Their delight in ſupporting, inſtead of correcting their own errors with military force was pregnant with unſpeakable miſchief; and their whole revenue ſyſtem, if executed, with all its grievous comercial and political operations, could not probably in ſeven years have cleared half ſo much money as one pay-maſter and his deputies gained in leſs time by their exceeding their lawful appointments. Father *Paul* ſaith, that "the oppreſſion of garriſons is one of the "greateſt that the ſubjects of any government can be expoſed "to;" and Sir *Walter Ralegh* that "caſtles, fortreſſes, and places "of ſtrength made againſt the ſubject are dangerous, for thereby "the prince may at his pleaſure take occaſion to inſult upon the "ſubject, when much more ſeemly he might ſettle his eſtate upon "the love and good affection of men." The ſame excellent author ſays, "That prince or potentate which builds his ſecurity rather "upon the truſt he hath in fortreſſes than the love of men ſhall "be deceived; for no place is ſo ſtrong as can long defend itſelf, unleſs

" unleſs by the love and aid of men it be in time of neceſſity " ſuccoured," *Livy* had before made this judicious remark; *vires imperii in conſenſu obedientium ſunt*, and ſurely the diſtance of any eſſential part of an empire does not leſſen the prudence of inviting their chearful obedience. This obedience, which ſtrengthens and felicitates the whole, is to be ſought for in all parts with juſtice and equal kindneſs; but our politicians diſſent widely from thoſe illuſtrious heroes who in different ages and nations have celebrated the praiſes of free governments formed to bleſs mankind, with the excellence of ſuitable adminiſtration, the proper fruits of wiſdom and vertue, whereof weak and worthleſs men have no conception. The day which makes a man a ſlave robs him of half his worth, and of all his honour, ſave that of riſking his life to recover it. Power, terror, and fear are the grounds and objects of lawleſs domination; yet the effrontery of modern politics is ſo great, that we have heard men whoſe political exiſtence is owing to the inſtitutions of freedom, and who receive daily public pay for preſerving it, boldly inculcate theſe infamous doctrines, and have ſeen them make thoſe advances in point of execution whoſe enlargements, being naturally progreſſive, if uncontrouled, would certainly deſtroy the common-wealth. Political effrontery does not reſt here, for our miniſters having by their manifold miſdoings loſt the confidence of their fellow ſubjects, whoſe love is the glory of their prince, their pride and diſturbed ambition have ſo far tranſported them, that they have deſpiſed the commons, who are their equals in all points of public right, and, after treſpaſſing on the chief national right of election, they have, by themſelves or advocates, inſulted every man of you by their groſs abuſe of the electors of the metropolis of the kingdom, for whom *banditti*, with other terms of obloquy, have been thought fit names, thereby ſhewing

to what a low ſtate of diſparagement you would be reduced if ſubdued by theſe proud and inſolent men.

That a ſettled deſign to introduce military-government would be the higheſt crime againſt the ſtate, and whether the life of the common-wealth be taken away by one daring ſtroke, or, like ſome other free ſtates, be deſtroyed by the gradual introduction of military force, is not very material to king or kingdom, as either way it would be fatal to the honour and welfare of both. Hiſtory is the ſchool of politics, and "who reads hiſtories treating of great "actions ſhall perceive that good princes are indeed more ſecure, "and better defended by the love of the people, and fidelity of "counſellors, than were they that entertained many legions and "men of war." And as to the kingdom, introduce military government, and the ſword would cut *Magna Charta* aſunder, deſtroy the public ſecurities, drive away commerce, impoveriſh, diſtreſs, and diſpirit the people; ſo that vain would be the attempt of their rulers to contend with united monarchies; and this country, ſo happy and glorious while free, and bleſſed with wiſe, juſt, and gentle government, would in courſe become one of the moſt wretched and deſpicable parts of the globe.

That "nothing can corrupt and alter the nature of man ſo much, "and ſo ſoon, as the immoderate deſire of honour; in ſo much as "men of honeſt minds and vertuous inclinations are ſometimes by "ambition drawn to abuſe that goodneſs whereunto they are en-"clined;" and when men join avarice and profuſion to their ambition and incompetence, what good can be expected from them? They ſeldom examine and underſtand aright the whole of any ſubject, or the nature and tendency of their own actions, being prevented by their paſſions from diſcerning the progreſs of evil: the diſſolution of the common-wealth, and deſolation of their country,

country, may not be the preſent deſigns of thoſe men who prefer corruption and the ſword to the goodneſs of example, the force of reaſon, and the excellence of civil adminiſtration: " but however," as an excellent prelate in his diſcourſe to the Lords obſerved, " men muſt look to it; for when we are once out of the right " way, every ſtep we take leads us but into farther wandrings, and " we know not whither we are going." And a little after, " We " find we are carried unaccountably from things good and innocent " to things indifferent, and from thence to things ſuſpicious, and " that want juſtification; and from thence to ſuch as will not bear " it; and much more certain are theſe wicked conſequences when " we begin with things unlawful; the wiſeſt man alive cannot tell " where he is to end."

It is a great bleſſing to a prince to be ſerved by able miniſters, faithful to him and their country, who avoid the beginings of malignant courſes. " I think, ſays *Comines*, one of the greateſt " indications of wiſdom that a prince can ſhew, is to converſe with, " and have about him vertuous and wiſe men:" But princes are liable to be deceived; *fraudum ſedes aula* was the ſaying of a philoſopher who underſtood courts very well; and *Dioclefian* was wont to ſay, *bonus, cautus, optimus venditur imperator: Galba*, who like many other emperours was put to death by his own ſoldiers, is a memorable inſtance of a good prince ſuffering by employing bad miniſters. " He had conducted armies with re- " nown, governed provinces with integrity. His race was noble, " his life innocent; he poſſeſſed great wealth, and was by all " men eſteemed capable and worthy of ſwaying the ſceptre. Had " he been bleſſed with good counſellors, he would in all proba- " bility have proved an excellent prince. He had many public " and private vertues, he was temperate, frugal, free from am-

bition,

" bition, an enemy to the inſolence of the ſoldiery, and wiſhed " well to the common-wealth. But what availed his good qua- " lities, when he exerciſed them not? He robbed no man, but " thoſe under him robbed all men; and he who ſhould not have " employed bad men, or at leaſt ſhould have reſtrained or puniſhed " them, incurred the ſame cenſure and blame as if he himſelf had " done the evil, or authorized it. The people juſtly expect pro- " tection and paternal uſage from their prince, and where they find " it not will think the prince anſwerable. Why does he under- " take the office? Why is he raiſed ſo high above others, and all " men, but for the good of all? No prince was ever more un- " happy in his favourites than *Galba*. They were wicked men; " nor can any prince that entertains ſuch be happy, or ſecure." Sir *Robert Cotton*, diſcourſing of king *Henry* III, obſerves that " when government falls to be a prey to lawleſs minions, it is the " ground of infinite corruption in all the members of the ſtate;" and, that this king at length found he had " by giving himſelf " over to a ſenſual ſecurity, and refering all to baſe, greedy and " unworthy miniſters, whoſe counſels were ever more ſubtle than " ſubſtantial, thrown down thoſe pillars of ſovereignty and ſafety, " reputation abroad, and reverence at home." And Mr. *Selden*, diſcourſing of *Edward* II. and his minions, ſays, " Thus favou- " rites, inſtead of cement between prince and people, becoming " rocks of offence, bring ruin ſometimes to all, but always to " themſelves." The common craft of theſe men is to repreſent their cauſe as the cauſe of their prince, when the North and South poles are not more diſtant from each other. Kings, parliaments, and miniſters were inſtituted for the ſake of the people, and yet our miniſters, by their advocates tell us, under the moſt venerable names,

names, that the cauſe of the miniſtry is the cauſe of the parliament: *riſum teneatis, amici?*

That "fortune without vertue doth ſeldom work any great effect," and the late glorious war, and improvident peace, with its natural conſequence, our preſent infamous danger, cannot be conſidered by the intelligent and faithful without a ſevere trial of their patience. Loſs and diſgrace were our portion in the begining of the war; better counſel, and better execution were attended with great ſucceſs, and the moſt important conqueſts; and when the harveſt of our labours and victories was approaching, impotent and aſſuming, or worſe, men, puting their ſicle into other mens corn, ſpoilt the crop. The former war concluded with ſending ſome of our nobles to look up to *France*. Had this war brought us as low as our enemies intended, or as we brought them, hard, very hard, it would have been for us to have riſen again: but when we had diſarmed them, and brought them far lower than our expectations, and had the eſſential parts and ſources of their commerce and navigation in our hands, our miniſters, treating not for the laſting ſecurity of our empire, but to caſt it into future danger, raiſed up our enemies from their low condition, put the ſword again into their hands, with money into their pockets, and gave them time to breath and gather ſtrength for the renewal of the war; thus, under the name of peace, agreeing to a precarious ceſſation of arms, having leſs ſenſe of the dangers attendant on *French* policy and ambition than a *Gothic* prince, as the following legation will manifeſt.

Anno Christi 509.

" THEODORICI REGIS AUGUSTI ROM. SACRA."

" AD BURGUNDINORUM, HERCULORUM, VARINORUM, *& Tu-*
" *rogorum reges; pro pace & mutua auxilii unitate adversus æmu-*
" *lum imperii Francorum Regem.*"

" PRINCEPS absque justitia nil aliud profectò est quam gentium
" latro publicus. Quippe ubi leges regi, non regere solent, pro
" jure libido & licentia invadit, malitiosus, fallax, versutus, sa-
" piens nominatur; calliditas & astutia prudentia appellantur;
" pro æquitate superbia, pro abstinentia avaritia, pessima vitia sub
" specie virtutum dominantur. Ambæ pestes invident, rapiunt,
" opprimunt, aliorum opibus inhiant, omnes pro hoste ducunt,
" cuncta sibi servire adpetunt.

" 2. Hac via nuper ATTILA grassatus, etsi Vessogetarum ro-
" bore fractus, furoris tamen sui heredem & successorem reliquit
* Clodovicum: " * LUDOVICUM regem Francorum, qui jam pridem (ut est natura
" mortalium avida imperii, & præceps ad explendam animi cupi-
" dinem) animo imperium orbis invasit, & tantos sibi spiritus,
" tantam sibi arrogantiam sumpsit, ut neminem secum dignitate
" exæquari velit. ALARICO Vessogetarum regi, citra affinitatis
" affectum, vinculo societatis, fidei sacramento violato, nefandum
" & impium indixit bellum. Nemini dubium esse potest quin su-
" peratis Gothis signa victricia in vos convertat.

" 3. ENRICUS genitor Alarici non solùm opibus, pecunia, sti-
" pendiis vos adjuvit, verum etiam ab hostium impetu & oppug-
" natione defendit: vires Romanos à cervicibus vestris avertit.
" Obsecro itaque atque obtestor per ea beneficia, uti cum amicis
" meis, vestri quoque ad Francos LUDOVICUMQUE legentur, qui
" verbis omnium nostrûm, ut pote maximorum & opulentissimo-
" rum

" rum regum, nuncient, velle & cenſere eos ab armis diſcedere,
" ita ſeque illiſque dignum eſſe.

Year of Chriſt 509. " A ſacred [legation] of THEODORIC Auguſt king of the Romans,

" To the kings of the *Burgundini*, *Herculini*, *Varini*, and *Turogi*,
" for peace and mutual union of aid againſt the king of the *Francs*
" æmulous of empire.

" A prince without juſtice is truly no other than a public rob-
" ber of nations. For where the laws are wont to be governed,
" and not to govern, inſtead of right luſt and licentiouſneſs enter,
" the malicious, fallacious, ſubtle man is termed wiſe; craft and
" ſubtlety are called prudence; inſtead of equity pride, and of ab-
" ſtinence avarice, the worſt of vices, rule under ſhew of vertues.
" Both peſts envy, ravage, oppreſs, thirſt after the wealth of
" others, account all for enemies, aſpire to make all things ſub-
" ſervient to themſelves."

2. " In this way *Attila* having lately proceeded, although broken
" by the ſtrength of the *Veſſogetæ*, yet left the heir and ſucceſſour
" of his fury *Lewis* king of the *Francs*, who already (as is the na-
" ture of mortals, greedy of empire, and prone to fulfil the deſire
" of the mind) hath invaded the empire of the world in his mind,
" and hath aſſumed to himſelf ſuch ſpirits, ſuch arrogance, that he
" will have none equaled with himſelf in dignity. He hath made
" nefandous and impious war with *Alaric* king of the *Veſſogetæ*,
" without being moved by affinity, having violated the band of ſo-
" ciety and oath of faith. None can doubt but that having over-
" come the *Goths* he will turn his conquering enſigns againſt you."

3. " *Henry*, father of *Alaric*, hath aſſiſted you not only with
" forces, money, ſtipends; but alſo hath defended you from the

" violence and aſſaults of your enemies; he hath ſaved your necks
" from the *Roman* yoke. I beſeech therefore and adjure you by
" thoſe benefits, that with my friends yours alſo be delegated to the
" *Francs*, and to *Lewis*, to acquaint them in the name of us all,
" as of the greateſt and moſt opulent kings, that we would have
" them abſtain from war, for ſo it becometh him and them."

The infinite dangers that attend the late improvident treaty, whether made by men corrupted by their avarice or ambition, or miſled by their inſcience, of which their preliminaries gave irreſiſtable evidence; the dangers of public diſſention and popular diſcontent, cauſed by the violation of public right; the dangers attendant on the diſpoſition and proceedings of incompetent miniſters, who delight in corruption and military force, the bane of the common-wealth, as the means neceſſary to ſupply the want of thoſe abilities and public vertues which are requiſite to govern a free people; the inſatisfaction of our colonies, cauſed by miniſterial errors and ſeverities exceeding all example, with the conſequent diminution of commerce and navigation, unite and require, according to the ſenſe of the ableſt politicians, a ſtate-revolution, that the conſtitution may be purified, and reſtored to its ſpirit and excellence; that the king may enjoy his juſt prerogatives with dignity and eaſe, and become the moſt happy and glorious prince, which from the immutable nature of things he cannot be without the love of his people, and the ſervice of wiſe and vertuous men; that parliaments may exerciſe all their juſt authorities with the greateſt honour, wiſdom, and equity, ſuitable to their noble inſtitution, and that the people, whoſe felicity and ſafety are the end of government, may enjoy all their juſt rights and liberties without encroachment, the civil government flouriſh, and juſtice reign uncontroled over all without exception.

That

That ſince the reformation and eſtabliſhment of the commonwealth ſo far depend on your enjoying the right of election free from all treſpaſs and derogation, with its incorrupt and proper uſe, in juſtice to your country and to yourſelves, you will, without queſtion, in the moſt proper manner, maintain this right againſt all opponents, and make the beſt uſe of it when you ſhall have it in your power. Men of honour, it is preſumed, will not deſire to continue your attornies againſt your wills; but, however that may be, juſtice will doubtleſs be done to the kingdom.

All which is humbly ſubmited by

Your moſt faithful, and

moſt obedient Servant,

A FREE BRITON.

(Lately Publiſhed in Quarto, Price One Shilling.)

By J. WILLIAMS, N° 38, *Fleet-Street.*

THE

FREE BRITONS MEMORIAL.

TO ALL THE

FREEHOLDERS, CITIZENS AND BURGESSES,

WHO ELECT THE

MEMBERS OF THE BRITISH PARLIAMENT,

PRESENTED

IN ORDER TO THE EFFECTUAL DEFENCE

OF THEIR

INJURED RIGHT OF ELECTION.

——————— *ecquid*
Ad te pòſt paulo ventura pericula ſentis?
Nam tua res agitur paries quum proximus ardet.
HOR.